UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.64
3 May 2002

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1995

Seychelles

[7 February 2001]

GE.02-41541 (E) 170502

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Executive summary

This report presents the findings of a review of the implementation of the Convention on the Rights of the Child in the Republic of Seychelles from its ratification in 1990 up to 1995. As the result of broad consultation on a national level, this initial country report is a comprehensive and honest analysis of the state of our children. It highlights achievements and progress in many areas, yet it is not complacent - gaps and inconsistencies in laws, policies and practice have also been highlighted, and recommendations made as to their resolution.

Although ratification of the Convention did not require any immediate amendment to Seychelles legislation, the Children's Act has been under review and the Government has proposed a number of changes which reflect the principles of the Convention. Seychelles' Children's Act in its original and revised forms reflects the principles and standards of the Convention in many ways. However, it does so only for a small number of defined children, for particular services in childcare protection, and for particular offences to children. It has no influence on other services and aspects of children's lives.

The Convention is not only about social and economic rights. It also guarantees children and young people civil and political rights, and legislation, policy and practice need to understand and address these issues. Attitudes both within and outside the family continue to exclude children from participation in decisions that affect their lives. Action is therefore needed both by the State, within civil society and at family level.

This report discusses general measures and principles of implementation, including definitions of a child, and presents a review of implementation in five main areas, namely:

(a) Civil rights and freedoms;

(b) Family environment and alternative care;

(c) Health and welfare;

(d) Education, leisure and cultural activities; and

(e) Special protection measures.

It is emphasized that there is a continuing need to take active measures to ensure that the aims of legislation are translated into everyday policy and practice throughout the country. A monitoring and evaluation mechanism is required to assess how far the rights contained in the Convention are being implemented and respected on a continuing basis.

The main factor preventing fulfilment of enjoyment of the rights under the Convention is identified as a lack of resources, both material and human. The steady rise in the young population must be accompanied by a corresponding increase in resources for its development. In the spirit of article 4 of the Convention, we call on cooperation with multilateral development agencies, especially those focused on children, to assist us in mobilizing the necessary resources for implementation of the Convention.

The Seychelles Programme of Action for Children and the Convention on the Rights of the Child provide a valuable framework for building on past achievements. The goals for children and development in the 1990s, adopted as part of our Programme of Action for Children, reflect the country's commitment to improving further on its achievements in child survival, development and protection.

I. BACKGROUND TO THIS INITIAL REPORT

1. Unanimously adopted by the General Assembly of the United Nations on 20 November 1989, the Seychelles was one of the first countries to ratify the Convention on the Rights of the Child in 1990. States parties were required to submit an initial report two years after entry into force of the Convention for the State party concerned, and thereafter every five years. This initial report on implementation of the Convention in Seychelles discusses implementation over a five-year period, from 1990 to 1995.

2. The writing of this initial report was delayed pending clarification of which ministry had responsibility for its coordination and the availability of research findings. There are many agencies involved with children in Seychelles, with both statutory and non-statutory obligations under the Convention. Both the Ministry of Health (MOH) and the Ministry of Education and Culture (MOEC) have responsibility for the survival and development of the child, while the Ministry of Employment and Social Affairs (MESA) has portfolio responsibility for children's welfare. As such, the Ministry for Employment and Social Affairs was designated as responsible for coordinating Seychelles' response to the United Nations Committee on the Rights of the Child on implementation of the Convention.

3. The report aims to provide a systematic analysis of the extent to which law, policy and practice in Seychelles comply with the principles and standards contained in the Convention on the Rights of the Child (art. 44). It not only analyses traditional indicators of compliance to the obligations under the Convention, but also highlights gaps and inconsistencies and proposes action needed for compliance.

Context and methodology

4. The implementation of the Convention on the Rights of the Child in Seychelles from 1990 to 1995 should be considered in the context of concurrent legal and policy changes. The Seychelles Programme of Action for Children was adopted in June 1995, serving to focus attention on prioritizing children. The Children's Act of 1982 was also undergoing a fairly radical review during this time, with the Convention providing a guiding framework for this process.

5. The Ministry of Employment and Social Affairs appointed a project officer, namely the Director for Social Affairs, and commissioned a consultant to assist in the drafting of the report. Key ministries and organizations were invited to appoint a focal person to ease consultation and assist in preparing a contribution to the report.

6. Initial research involved meetings and site visits with all key stakeholders, where consultations were held with management, parents and also children and young people themselves. Children and youth provided limited input in terms of the Convention itself, as most knew little on the rights contained in the Convention. A series of workshops using Visualization in Participatory Programmes (VIPP) methodology have since been conducted in 1999 to sensitize young people on the Convention, funded by UNICEF.

7. Copies of the Convention were circulated, and an extensive literature review conducted. Each agency was invited to prepare contributions, which were collated into a draft report. This draft was then widely circulated, and feedback and comments incorporated. The report also draws on the findings of relevant meetings and seminars, notably conferences on the International Year of the Family (1989) and the National Programme of Action for Children (1995).

8. The final draft was discussed at a multi-agency consultative workshop, held on 2 and 3 February 1999, then forwarded to the National Commission for Child Protection (NCCP) for further review. The final report was discussed and then adopted by the Council of Ministers.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to implement the provisions of the Convention

1. Measures to harmonize national law and policy with the provisions of the Convention

9. Since independence, the Seychelles Government has consistently made children a high priority. In 1990 the Government put forward its policy statement on children outlining goals in health, education and improvements in standards of living. The President of Seychelles, Mr. F.A. Rene, attended the historic World Summit for Children in September 1990 in person. Seychelles adopted the World Declaration on the Survival, Protection and Development of Children and the accompanying Plan of Action, in addition to the Convention on the Rights of the Child. Seychelles' plans for improving the situation of children were further elaborated in the National Programme of Action for the Children of Seychelles, prepared by an Inter-ministerial Committee with intersectoral participation, and published in June 1995.

10. Ratification of the Convention did not require any immediate amendment to Seychelles legislation. The new Constitution, as the supreme law of Seychelles enforceable by an independent judiciary, came into force on 23 June 1993 and provided scope to include a large number of the principles contained in the Convention in the form of Constitutional guarantees. Article 5 of the Seychelles Constitution (hereafter the Constitution) states that "this Constitution is the supreme law of Seychelles and any other law found to be inconsistent with it is, to the extent of the inconsistency, void" giving effect to the obligations undertaken as a State party to the Convention. The Constitution also provides for an independent ombudsman, who is empowered to investigate complaints regarding the violation of constitutional rights and freedoms and to take appropriate remedial action.

11. The Children's Act of 1982 was amended in 1991, with the central purpose of protecting children. This includes the provision of alternatives for the punishment and rehabilitation of child offenders, as well as mechanisms for protecting children from neglect, exploitation and harmful environments. The statute also regulates adoption. The existing Children's Act is currently being revised in order to be more in line with the Convention on the Rights of the Child. The final draft is already with the Attorney-General's Office.

12. The Children's Act maintains the guiding principle that the best interest of the child should be the first consideration. It also recognizes that where appropriate children are best brought up by their parents in their own home. It places a duty on the State to provide services for children in need and to help parents bring up their children. The intervention of courts and social services are required to have the child's welfare as their first consideration.

2. National mechanisms for coordinating policies and for monitoring the Convention

13. The Government recognizes the particular needs of children, and will continue through legislation, policy and practice to strive to promote the interests of children in accordance with the articles of the Convention. The process of translating the rights contained in the Convention into actions to ensure effective change in children's lives will be a long one. A critical part of that process is the need for monitoring and evaluation of how the rights are being respected. This process needs the widest collaboration and consultation with non-governmental organizations, the community and families.

14. There is a history of partnership between the non-governmental sector and Government, which can be strengthened. The National Council for Children (NCC), a semi-autonomous organization, and other non-governmental agencies are assisting Government in its efforts to improve the lot of children.

15. Responsibility for policy on matters concerning children does not rest exclusively with one government department, and there is an increasing awareness for the need and value of coordinating policies. The State works in partnership with the voluntary and private sector to provide a range of services in the area. The Department of Social Services is putting together a Manual on Child Protection Procedures, which are firmly based on inter-agency cooperation and collaboration. To improve coordination between departments several interdepartmental groups have been set up including the Child Protection Committee and the ad hoc committee which vets, approves and reviews procedures for child protection and for inter-agency collaboration. This committee is chaired by the Minister for Employment and Social Affairs and has high-level membership comprising ministers and principal secretaries from the Ministries of Employment and Social Affairs, Education and Health, the Chief Justice, the Commissioner of Police, the Attorney-General and the Chairman and Vice-Chairman of the National Council for Children. When consideration is being given to introducing new legislation, or amending existing legislation, or establishing new policy initiatives concerning children regular consultation takes place to ensure that all the implications and consequences of the changes are fully considered both at an early stage and throughout the process.

16. A national seminar was held in June 1993 to launch the National Programme of Action for Children. It was recommended that the Ministry of Employment and Social Affairs strengthen its role as the focal point for children's affairs, improve its information and documentation, and develop its capacity for policy-oriented research on matters dealing with family and children. These are currently being considered within the broader national context, including the National Social Development Strategy and other plans of action.

17. One major finding of this report is that there are serious gaps in knowledge of the conditions of children and their families, making it impossible to assess fully whether government and other agencies are meeting all the standards and obligations under the Convention. Available information and data may not be shared with other organizations. The systematic gathering of statistical and other information on the conditions of children and families are considered to be essential for successful family policies, and should also include the views of children.

18. An appropriate monitoring and evaluation mechanism for the Programme of Action is also required, but there has been little follow-up action. A proposal for a monitored mechanism for the Convention is currently being considered by Government. Seychelles is still in the process of establishing and developing enforcement mechanisms for the Convention. Child protection procedures are being finalized and training of all key personnel, social workers and police, counsellors in child protection procedures has been held and continues to be organized.

19. Seychelles has also received extensive assistance from donor agencies and international organizations in the area of children's rights and programmes. The United Nations Children's Fund (UNICEF) has been particularly active on issues relating to the implementation of the Convention. UNICEF has played a fundamental role in improving the situation of children in Seychelles, providing technical and financial support for a number of programmes, including Primary Health Care, the Family Life Education Programme and the Immunization Programme. The United Nations Population Fund (UNFPA) has been very active and supportive in the area of adolescent reproductive health and family planning services.

B. Measures to promote public awareness of the Convention

1. Measures to promote the principles and provisions of the Convention

20. Following ratification of the Convention there was no immediate attempt to publicize it. Neither government ministries nor the voluntary sector were informed that Seychelles had ratified the Convention, or that their policies and practice should comply with the provisions of the Convention. The Ministry of Education has since started to sensitize schools, and the Ministry of Employment and Social Affairs has commissioned the publication of adapted versions of the Convention for distribution through schools. There is also a small but growing community of non-governmental organizations which are concerned with the problems of

children and young people. In addition to supporting the Government's programmes the existence of these organizations also help to decentralize delivery of services:

Task Force on Drug and Alcohol Abuse - focuses on education and support for the issue of drug and alcohol use;

The National Council for Children - a semi-autonomous organization working as advocate for children;

Les Li Viv - a pro-life voluntary organization offering counselling and support to teenage mothers;

Church groups - involved in social and community activities, including childcare services;

Alcoholic Anonymous - has a programme for young people with alcohol problems;

The Committee for Awareness, Resilience and Education (CARE) - helps train parents, youth and community leaders on prevention of alcohol and drug abuse;

The Scouts and other children's groups - several have been revived or established in the 1990s, providing leisure and other services for young people.

21. There is regular and continuous coverage of children's issues in the media, especially radio programmes and public education and awareness programmes. The National Council for Children, CARE and other NGOs continuously use the media to promote the development and participation of children and Children's Day activities are organized each year. The NCC is collaborating closely with Government, national and international organizations like the British Association for the Prevention and Study of Childhood Abuse and Neglect (BAPSCAN), UNICEF and the National Society for the Prevention of Cruelty to Children (NSPCC) to promote children's rights. Through the direct intervention of UNICEF additional efforts to promote dissemination of copies of the Convention are planned.

2. Measures to circulate the report among the public (art. 44.6)

22. This report was widely circulated for comments before submission to the Council of Ministers for adoption. It is anticipated that the report will provide a means by which the Government, NGOs and the private sector can systematically and strategically address those issues and matters highlighted as needing further attention if Seychelles is to fully comply with the obligations under the Convention. It is agreed that wide public circulation of this report in simplified summary and in popular language will be undertaken to facilitate public awareness on these issues and to promote united collaboration from Government, NGOs and the private sector.

C. Concluding remarks and recommendations

23. The Constitution and laws of Seychelles generally ensure a fair degree of compliance with the articles of the Convention. The Government has already started the process of reviewing the Children's Act with the aim of bringing it more into line with the articles of the Convention.

24. Compliance with article 44 requires that:

(a) An effective system to monitor and evaluate implementation be established. A national database should be set up, in consultation with the Management Information Systems Division, to develop mechanisms to monitor the conditions of children, and report on the enjoyment of their rights in accordance with the Convention;

(b) This report must be widely circulated and areas for further action highlighted to promote public consultation. Individual ministries need to ensure that they monitor and disseminate their own efforts to comply with the Convention.

III. DEFINITION OF THE CHILD

A. Definition of the child under Seychelles law

25. The Children's Act, which covers all aspects of maintenance, compulsory care, voluntary and foster care and adoption, children's homes and detention centres, defines a "child" (sect. 2) as "a person under 18 years of age and includes a young person". See appendices III and IV for details of the child population in Seychelles.

B. Age of majority

26. The legal age of majority in Seychelles, for both men and women, is 18 years. At this age a person acquires full legal capacity. A similar provision appears in section 2 of the Children's Act.

C. Other legal minimum ages

27. There are a number of other ages for which specific legal rights, powers and protection apply, viz.:

All citizens who have reached the age of 18 have the right to vote and can be elected to public office;

The Seychelles Employment Act 1990 makes it illegal to employ a child under the age of 15 for any purpose and gives varying protection for children between the ages of 15 and 18;

A young person 18 years of age can give independent consent for medical treatment. No such provision is available for medical counselling. A child under 15 years of age can be counselled on family planning but cannot be prescribed contraception without parental consent;

There is no conscription in Seychelles, and the minimum age for voluntary military service in the Defence Forces is 18 years of age. Exceptions require the written consent of parent or guardian;

Protection against sexual abuse of children is comprehensively covered in the Penal Code of Seychelles (vol. IX, chap. 158). A recent amendment now provides protection against sexual abuse of children up to the age of 18 although under the penal laws the age of consent is 15 years;

Under the Penal Code a child aged 7 is incapable of committing a crime, and a child between the ages of 7 and 12 will only be criminally liable if he/she understands that what he/she is doing is wrong;

In the Children's Act (sect. 94), no child under the age of 14 may be sent to prison and no child between the ages of 14 and 18 may be imprisoned if there are alternative ways of dealing with him/her under the Children's Act;

"Juvenile offenders" are generally considered to be persons under the age of 18 and there are special provisions regarding procedures for hearings and punishment of persons under this age (Children's Act 1982, Part VIII);

There is no specified age at which a minor becomes a competent voluntary witness in court proceedings. The evidence of children is allowed if they are, in the opinion of the court, able to distinguish truth from falsehood and to understand the implications of giving false testimony;

The law protects the privacy of children under the age of 18 who have been involved in legal proceedings of any nature. Court hearings in relation to children are held in closed court or in chambers. Likewise, the Juvenile Court is not open to the public. However, as recently as 1995 young persons involved in sexual abuse cases appeared in open court to give testimony but that was through failure to invoke the available procedures;

A child under the age of 18 requires parental consent in order to marry. In addition, no boy under the age of 18 years and no girl under the age of 15 may contract a civil marriage without the permission of a designated government official, currently the Minister (Civil Status Act, sect. 40). Furthermore, marriage of a girl between the age of 15 and 18 requires the consent of the parents. This appears to contradict the constitutional provision against discrimination on the basis of gender, and has not yet been challenged;

The sale of alcohol, drugs and tobacco to children under the age of 18 is illegal. The provision of alcohol to children under 18 is illegal only if it is in quantities detrimental to the child's health. Likewise, the employment of children under the age of 18 on premises with a licence to serve alcohol is an offence as well as the admission to such premises of children under the age of 18;

A child over the age of 14 must consent to his/her own adoption;

The end of compulsory education is 15 years. This is specified in the Constitution by requiring the child to follow 10 years of schooling.

D. Concluding remarks and recommendations

28. The Constitution and laws of Seychelles comply with article 1. There are a number of cases which define legal minimum ages as less than 18 years of age, and such exceptions are in general not problematic as the age at which a child acquires particular legal rights and powers is determined by the capacity of children at that age to exercise the rights and powers in question, meaningfully and responsibly.

29. Compliance with article 1, the definition of a child, requires that:

(a) Provisions relating to alcohol consumption be amended to tally with that of tobacco;

(b) Laws are reviewed in order to improve standardization of age levels, especially for the sake of gender equity in legal provisions.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

30. Seychelles' Constitution promotes non-discrimination in accordance with article 2 of the Convention of the Rights of the Child. Article 27 of the Constitution gives "every person equal protection of the law, including the enjoyment of the rights and freedoms contained in the Charter, without discrimination on any grounds, except as is necessary in a democratic society". This guarantee is applicable to every person within its jurisdiction.

31. Protection against discrimination or punishment for activities, opinions and benefits is further provided by constitutional guarantees of freedom of speech and expression, freedom of thought, conscience and belief, freedom to practise any religion and to manifest such practice, and freedom of association.

32. Chapter III of the Constitution contains provisions relating to fundamental rights which are considered "universal" and include children. But rights which by their very nature cannot be exercised by a child, either by himself or with the assistance of a guardian, must be deemed inapplicable to such a child. Thus, whilst adult citizens have a right to form and join a trade

union and to engage in any lawful occupation, professions, trade, business or enterprise, a child may be deprived of such a right since it could negate existing legislation aimed at protecting the child from exploitation.

33. In Seychelles, the Constitution guarantees that all children are of equal status in the application of the laws of Seychelles, regardless of the marital status of the child's parents, whether at conception, birth, or any other time. Only 21 per cent of births in 1996 were within wedlock, and 28 per cent were not acknowledged by the father. A child's citizenship depends on that of its parents. Newborn infants are deemed to have the status of citizens. Seychellois citizenship, where applicable, would therefore bring the child within those rights in the Constitution accorded to citizens.

34. Parents are usually the legal guardians of a child. The duty to maintain a child born out of wedlock is shared between the parents according to the earnings of each. In Seychelles single mothers and their children are accepted for the most part without discrimination. However, the biggest disadvantage for these children is not legal or social, but economic. A World Bank study, "Poverty in Paradise", concluded that female-headed households form a large portion of those considered poor. Although single mothers are entitled to maintenance for their children, it is becoming more and more difficult to collect money from errant fathers. The proposed amendments to the Children's Act include provisions to resolve that situation. Children born to single mothers face few legal disadvantages stemming from their mother's marital status. In terms of civil law the child takes the mother's name unless the father acknowledges paternity, in which cases the child is obliged to take the father's name.

35. There is no protective legislation rendering it unlawful to discriminate against people, including children, on grounds of sexual orientation. Article 2 of the Convention states that all rights must be respected "irrespective of the child's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". "Other status" is being increasingly understood in international forums to include sexual orientation.

36. It is illegal for homosexuality to take place (be practiced) in Seychelles. There is at present no age of consent for homosexuality in Seychelles. This is discriminatory and also out of step with other countries, almost all of which have a common age of consent or plans to introduce one. This discrimination within the law, together with the lack of legal protection against discriminatory acts towards homosexual young people, allows a level of hostility and prejudice within society to go unchallenged. It causes many young people to deny their sexuality for fear of attack, isolation, abuse or rejection. Not only is the lack of age of consent and lack of legal protection against discrimination in breach of article 2, but it also represents a failure to comply with article 13, the right to freedom of expression without discrimination.

B. Best interest of the child (art. 3)

1. Legislative provision for the best interests of the child

37. The Children's Act recognizes the best interest of the child as the primary guiding principle in family matters by providing that children have the right to know and be cared for by

their parents. The guiding principle in cases of compulsory care and/or custody is the best interest of the child. Persons and institutions which provide alternative care are required under the Act to be guided by this principle.

38. Under the Children's Act the court has the responsibility to decide all matters which come before it in the best interests of the child. The adequacy of the laws is, however, not necessarily a guarantee of the adequacy of their judicial or administrative application. In practice the views and decisions of adults/parents in cases of divorce and custody tend to have precedence over the views and feelings of the child. This article is covered under other sections of this report and recommendations made as appropriate.

39. It is noted that at present parents are able to ask for the approval of the Children's Board to send a child under the age of 18 who they cannot control to an institution. The ability of parents to offload their responsibilities on the State when dealing with "difficult" children should be reviewed; firstly to ensure that such action is primarily in the best interests of the child, and secondly to safeguard this provision from abuse by providing for such parental action to be accompanied by an order for the parent to support financially the child's upkeep during this period. In instances of divorce, etc. involving the courts making decisions in the "best interest of the child", it is recommended that all parties make greater efforts to ensure compliance by taking care to involve the child as much as possible.

2. Standards of facilities for the care and protection of children

40. Primary responsibility for ensuring the standards of children's institutions and facilities is vested in the Ministry of Employment and Social Affairs through the Children's Act. The Director of Social Services administers the provisions of that Act including the registration and regulation of all such premises defined as children's homes and similar institutions.

41. Responsibility for setting standards with regard to health and safety of accommodation is shared between ministries. Setting standards for day-care facilities is the responsibility of the Ministry of Education. The Children's Act provides for the Minister responsible for Social Affairs to set standards for institutions like children's homes, and other institutions for compulsory care of children. The Licensing Authority and the Ministry of Health also carry out inspections to ensure compliance. There is, however, no stipulated minimum standards set for any of the children's homes and institutions visited at the time of preparing this report. This of course makes it difficult to monitor implementation and to enforce compliance. The institutions are currently operating to their maximum capacity and staff competence needs to be strengthened.

C. The right to life, survival and development (art. 6)

42. The right to life is a fundamental right provided for in the Constitution (chap. III, Part 1, sect. 15 (1)). There is no death penalty in Seychelles. This right to life is further protected by the provisions of the Penal Code which makes unlawful, inter alia:

The murder of any person;

Infanticide, where a woman wilfully causes the death of a child under 12 months;

Abortion, except in certain circumstances;

Abandonment of a child in a manner which may expose it to grievous harm;

The intentional and unlawful causing of harm to a child during its birth.

43. Government policies have repeatedly emphasized the urgency of measures to promote child survival and development, focusing on three sectors as crucial to this goal - education, health and housing. All agencies drew up a plan of action in 1995 and are expected to submit progress reports in due course.

D. Respect for the views of the child (art. 12)

44. The Constitution guarantees freedom of expression in article 22 (1). The Children's Act requires the courts and authorities to ascertain the wishes and feelings of the child when decisions in respect of him/her are being made, and provides for the opinion of the child to be sought in regard to alternatives to the family environment. Thus provisions relating to adoption require that a child 14 years or over must consent to his or her own adoption. (Children's Act, sect. 34 (4)). There is, however, no comparable requirement in respect of decisions made within the family.

45. There is need to recognize children's right to growing self-determination, consistent both with article 12 and article 5 which stress that parents and others with responsibility for children must provide appropriate direction and guidance to children "in a manner consistent with the evolving capacities of the child". Clarification of the law pertaining to children's right to self-determination is needed with respect to the principle of individual competence. (See also other chapters of this report which address article 12 within the context of the relevant policy area.)

E. Concluding remarks and recommendations

46. The main provisions guaranteeing and respecting basic rights are contained in chapter III of the Seychelles Constitution. The Constitution and laws of Seychelles are also deemed to afford adequate compliance with articles 3 and 6. The need remains to ensure effective implementation of the provisions of the appropriate laws, for example to ensure the necessary standards of safety and care of children's services and institutions, and to ensure that the best interests of the child are taken into account.

47. Compliance with article 2 requires that a legislative review be undertaken which will make it unlawful to discriminate on grounds of sexual orientation, and will introduce an age of consent for all children regardless of their sexual orientation.

48. Compliance with article 3 requires that:

(a) A review and evaluation of childcare and protection facilities be undertaken;

(b) A set of standards for these institutions be established and enforced;

(c) Employees be screened to ensure they are suitable persons to care for children;

(d) Appropriate training be offered to establish and maintain the standard of facilities.

V. CIVIL RIGHTS AND FREEDOMS

A. Right to a name, nationality and identity (art. 7)

49. The Civil Status Act requires that all births must be officially registered within 30 days of the birth of a child. Deaths (including stillborn children) must also be recorded. The same Act also requires that every child born must be registered with a name and a surname of either the father, where the child is legitimate or paternity has been accepted, or that of the mother in every other instance.

50. The right to acquire a nationality is also protected by the Constitution under the provisions for citizenship. Every child born of Seychellois parents regardless of the place of birth has a constitutionally guaranteed right to Seychelles nationality. All children born to a Seychellois father or mother are Seychellois citizens by descent. The Constitution treats both men and women equally with regard to matters of citizenship. Thus a child born to a Seychellois mother has the same right to citizenship as a child born to a Seychellois father. Article 13 (2) of the Constitution provides for dual citizenship for a child with only one Seychellois parent.

51. With respect to article 7 the right of an adopted child to a name and to knowledge of parents should be considered. There may be a need to consider the introduction of a legislative duty on adoptive parents to inform a child that he/she is adopted as soon as the child is capable of understanding, and on the adoption agency involved to provide details of the biological parents as soon as the child requests the information.

52. Compliance with article 7 together with article 12, the right of the child to express a view and have it taken seriously, requires that children should be given the opportunity to express their views about any proposal to change their name and to have that opinion taken into account in any judicial or administrative proceedings, subject to their age and understanding.

B. Preservation of the child's identity (art. 8)

53. The guarantees and undertakings set down in the Constitution (chap. III) and the Civil Status Act are irrevocable with respect to the child's identity. Children who are adopted do not currently have a right in law to know the identity of their biological parents until they are 18 years old. A child born out of wedlock does not have a right to know the identity of his or

her natural father and the mother is under no obligation to reveal the identity of the father to the child. The Civil Status Act does however cover instances where both the mother and the person acknowledging himself to be the father request and both agree to his name being registered as father.

54. It is extremely difficult to introduce a requirement on all mothers to provide the name of the father to children. However, a requirement that, wherever known, the father's name should be entered on the birth certificate would be consistent with the child's right to know "as far as possible" who his/her parents are. This requirement is to be included in the Civil Status Act and Children's Act. The child should have the right to all available information.

55. Seychelles provides constitutional guarantees to safeguard the child's identity, both culturally and by ensuring that the child's parents and other relatives have primary parenting obligations. The Constitution also ensures that Seychellois children in an adoption situation remain in Seychelles, in a bid to preserve the child's familial and Seychellois identity. To this end Seychelles restricts adoptions by foreigners residing overseas, and the few that are permitted require presidential approval. The adoption laws, whilst safeguarding absolute confidentiality for the sake of the parties concerned do not expressly provide the adopted child with the legal right to establish links with his/her biological parents.

56. The right of a child to preserve his or her identity under article 8 of the Convention clearly includes the right to retain a name. If a child is adopted, the adoptive parents can change the child's name whereupon the new names are entered in the adopted children's register. When the courts are making an adoption order, there is an obligation to consider the wishes of the child but the child has no right to retain his or her name. The child therefore can lose his or her name and identity through adoption. This, however, is being considered for inclusion in the Children's Act. Whilst for many children there is a wish to take on the name of the adoptive parents, this may not always be so and compliance with this article requires that the child who understands the implications of the adoption order should be able to exercise a choice.

57. Parents can change the name of a child following a separation or divorce and under the Children's Act 1982 courts in Seychelles would be required to take into consideration the wishes of the child. In such proceedings, the child is not normally represented and may not be given any effective opportunity to make his/her views known to the court, even though in all such cases, the child is legally represented by the Attorney-General's Office.

C. Freedom of expression (art. 13)

58. This issue has been covered under section IV.D. It is provided for in the Seychelles Constitution which guarantees the right of all persons to freedom of expression, including freedom of the press; freedom to hold opinions and to seek, receive and impart ideas and information without interference (art. 22). Nevertheless reasonable restrictions may be imposed by law on the exercise of this freedom only insofar as such restrictions are necessary in a democratic society.

1. In the home

59. This article has major implications for the relationship between parents and their children and the degree of freedom children are allowed. The traditional approach to parenting in the Seychelles is not one which is consistent with a recognition that children have a right to express views independently of their parents. Rather, there is a presumption that parents have rights of control over their children's activities, access to the media, dress and so on. Where children do express a view or opinion which may differ from those of their parents, it is often interpreted, by society as a failure on the part of the children's parents to exercise their responsibilities sufficiently. There is a need to balance parents' duty to offer guidance to their children against a need to control their children. Compliance with the right of the child to freedom of expression will require a change in attitudes towards children to afford them greater respect. There is certainly a widespread perception amongst many children that their views and opinions are not adequately respected or acknowledged.

2. In school

60. Schools have an important role to play in promoting children's freedom of expression and developing their skills and opportunities for freedom of expression. However, the school system throughout the Seychelles tends to operate in a formal and perhaps authoritarian way, which does not necessarily encourage children to explore and contribute their ideas for the provision and development of education.

D. Freedom of thought, conscience and religion (art. 14)

61. This right is assured by the Seychelles Constitution (art. 21 (1)), which protects the right of all persons to freedom of thought, conscience and belief, either alone or in a community. Reasonable restriction may be imposed by law on the exercise of these rights as may be necessary in a democratic society in the interest of defence, public safety, public order, public morality or public health and for the purpose of protecting the rights or freedoms of other persons. For persons under the age of 18 years this right is, however, conditional upon the consent of the child's parent or guardian with respect to religious instruction or observance in any school or institution that the child may be attending or detained in.

1. Children in residential care

62. In line with the Children's Act, a child, if cared for under a compulsory order, cannot be brought up in any religious persuasion other than that in which he would have been brought up if the order had not been made. Whilst it is important that a child's personal history, culture and religion are respected when placements are being arranged, this provision must not impede the right of a child under article 14 either to withdraw from the religion of her or his parents or to choose an alternative religion. The requirement under the Children's Act to "ascertain the wishes and feelings of the child" when decisions are being made should therefore apply when decisions are made about the child's religion.

E. Freedom of association and of peaceful assembly (art. 15)

63. Article 23 (1) of the Seychelles Constitution protects the right of all persons to assemble freely and guarantees freedom of association. Reasonable restrictions may be imposed by law on the exercise of these rights, but only such restrictions as are necessary in a democratic society and required in the interests of defence, public safety, public order, public morality, in respect of the registration of associations and political parties, and for the protection of the rights and freedom of other persons.

64. It is important to examine the implications of article 15 in the context of the rights of young people to associate in public areas. There is need to address the implications of this article not only in relation to the adequacy of legislation to explicitly recognize and protect these rights, but also in relation to the construction of an environment which creates and facilitates opportunities for young people to express their right to freedom of association and assembly. Adequate youth service provision, availability of transport, and availability of places where young people can meet without harassment or interference are as necessary to the promotion of this civil right as the existence of protective legislation. When interviewed, children and young people complain that there are few safe places where they can sit peacefully without being harassed by police or an adult.

65. An active commitment to the promotion of article 15, the right to freedom of association, requires the development of a child-centred approach to environmental planning. Government should be required to consider the implications of any proposed development on children living in the area in respect of public transport, social facilities, road safety and meeting places, all of which have considerable impact on their opportunities for association and assembly.

F. Protection of privacy (art. 16)

66. The Seychelles Constitution contains a specific provision on privacy, which applies to all persons in Seychelles. No one is subject to interference within the privacy of their homes, their correspondence or their communications, except in accordance with law and as is necessary in a democratic society in the interests of defence, public safety, public order, public morality, public health, the administration of Government, town and country planning, nature conservation, the economic well-being of the country, or the protection of the rights or freedoms of others (art. 20 (2)). Protection for the privacy of the family is buttressed by another provision of the Constitution, which states that the family is the natural and fundamental element of society and is entitled to protection by the State (art. 32.1). The Constitution (art. 13 (2)) also requires that prior judicial authorization be obtained for searches of the person or the home. Searches without warrants are covered by statutory safeguards, to prevent abuses of the procedure.

67. Despite the guarantees under the Constitution (art. 20.1 (b)) there are still significant gaps in the protection available. The right to private correspondence is not adequately guaranteed in all institutions for children and young people. Children and young people interviewed complained that their private correspondence is opened. If correspondence needs to be opened on the ground of safety or security, such as on suspicion of forbidden articles, it should be possible for this to be done in the presence of the child.

68. Article 16 also needs to be considered in the context of a child's right to have confidences respected. This is of particular significance in the situation of a child wishing to discuss sexual or physical abuse with an adult. The growing recognition of the extent of sexual abuse within our society and the level of concern amongst practitioners and policy makers has led to a range of measures designed to protect children from abuse. Law requires social workers and the police, and many others are required contractually, to notify the relevant authorities once a child has disclosed that he or she is being abused. The need to protect the child is seen as taking precedence over the child's right to confidentiality or privacy. The danger is that the outcome of disclosure with all its profound consequences for children in relation to their own and their family's lives can be experienced as another form of abuse. Failure to respect the confidence of the child is a betrayal of trust just as the original abuse is.

69. There has been considerable progress in recent years in both recognizing and responding to child abuse. There is a danger that in the understandable efforts to protect the child experiencing abuse other rights are being forfeited. There is now a greater willingness to listen to the child disclosing abuse. It is equally important to consider concerns about how disclosure is handled. Child protection procedures need to reflect the principle of respect for children's privacy and confidentiality and the implications of overriding a child's wishes must be weighed against the cost to the child of a breach of confidentiality.

G. The right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (art. 37 (a))

70. The Seychelles Constitution guarantees respect for human dignity even during the enforcement of a penalty imposed by the State, and provides that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (art. 16). As stated in chapter 4.3, the Constitution prohibits the imposition of the death sentence for any crime (art. 15.1) Reference should also be made to chapter 6.9, especially with respect to corporal punishment, and to chapter 9, with respect to other measures to protect the child from different forms of maltreatment.

H. Access to appropriate information (art. 17)

71. There is no specific legislation in Seychelles charging the mass media to cater to children. There are provisions which make it a crime for any person to exhibit indecent material in public or to trade in, distribute or exhibit indecent material, including films.

72. The Government has already taken a number of steps to encourage the dissemination of information through the mass media. The print and the broadcast media have specific programmes for children and other programmes focusing on issues that are of relevance to children and young people. All three national languages are used in print and by radio and television programmes. Media coverage is given to children-specific events and annual activities such as Children's Day.

73. The National Library has a very well used children's section, and there are mobile libraries that service most districts. School libraries, though less well equipped, are also available. Government has invested considerable resources to providing a number of textbooks in Kreol as part of school curriculum reform.

I. Concluding remarks and recommendations

74. The civil rights and freedoms of children are provided for in the Seychelles Constitution, albeit conditional upon parental consent. Some parties are concerned that recognition of children's rights may lead to the undermining of the role of parents, or conflict with deeply held beliefs within a family. Yet full implementation of the child's rights in many areas of civil rights will only arise through a change in attitudes towards children, and a shift in the prevailing belief that parents "own" their children and have the right to control their spiritual as well as their physical activities. Consideration should also be given to the means by which the media may develop improved awareness of the needs of children. A particular area of concern with respect to article 17 is to the need to examine the unrestricted access which children may have to inappropriate materials via the Internet and soon through cable television.

75. Compliance with article 7 requires that civil law be reviewed to permit a father to acknowledge a child at birth without this obliging the child to bear the fathers' name. Any dispute arising from the choice of name could then be settled by the courts, in the child's best interest.

76. Compliance with article 8 and article 12 requires that children be given the opportunity to express their views about any proposal to change their name, for example in cases of adoption or divorce, and to have that opinion taken into account in any judicial or administrative proceedings subject to their age and understanding.

77. Compliance with article 13 requires that those with parental responsibility should ascertain the wishes and feelings of children when reaching any major decision relating to the child, in accordance with the evolving capacities of the child.

78. Compliance with article 14 and article 5 requires that as a child becomes capable of articulating a view in relation to religious practice the parent, carers and/or authorities should respect it.

79. Compliance with article 15 requires that provision be made for more meeting places for young people to promote their right to freedom of association and assembly.

80. Compliance with article 16 requires that rights to privacy under the Constitution are safeguarded through regulations and guidelines applying to all institutional settings. Children should be informed when there is a need for their information to be disclosed, particularly in child abuse procedures following disclosure. This should be monitored closely through consultation with children.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

81. The family structure in Seychelles has changed in recent years, in part due to the impact of socio-economic changes and the influence of foreign culture and values which have altered the functioning of the family as an institution. There is growing concern that the family is disintegrating as a unit and primary provider of care and protection, and more and more individuals and families find that they cannot cope without outside support.

82. The problems and issues involving families are complex and multifaceted, and to address them successfully will require a flexible approach. The Government is taking steps to adopt a more integrated approach that will involve communities, NGOs, Churches, etc., and will address the problem at the source rather than at the symptomatic level. The Government, under the Programme of Action for Children, has identified various areas and programmes designed to strengthen families as the basic unit of society. Studies on the causes of family violence and other key problems affecting families, training of social workers and job opportunities for women are all programme areas that have been identified and are being developed as part of the National Programme of Action.

83. All children have basic needs for day-to-day care. The preamble to the Convention states that children "for the full and harmonious development of [their] personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding". A number of the articles proceed to establish the right of every child to have those needs met. The primary responsibility for the provision of care clearly rests with a child's parents but the Convention explicitly states that childcare is not and should not be an isolated task. There is an important function for the State in both supporting parents in their parenting role and in providing care for children where, for whatever reason, parents are not able to fulfil that role. The Children's Act 1982 is the main legislation addressing the need to promote and safeguard the welfare of children within the family and to provide alternative care when the family is unable to meet the needs of a child.

B. The right to family life

84. The preamble to the Convention stresses that "the family, as the fundamental group in society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can assume fully its responsibilities within the community", offering a model of partnership between parents and the State.

1. Parental responsibilities

85. Parents' relationship to their children is clearly defined in terms of responsibilities and not in terms of parental rights. Such rights as exist for parents only exist insofar as they are necessary in order to promote their children's welfare.

86. The Children's Act 1982 introduces the concept of parental rights. However, it fails to provide any detailed definition of parental responsibility other than to describe it as "all the rights and duties, power, responsibilities and authority ... which by law a parent of a child has in relation to the child and his property".

87. Revision of the Act proposes the introduction in legislation of a general statement setting out the statutory obligations of parenthood. The amendments proposed are (a) to counteract the view that parenthood confers rights but no responsibilities; and (b) to clarify exactly what those responsibilities are. There is also the need to enable the law to make it clear that parental rights were conferred in order to enable parents to meet their responsibilities towards children in a manner "consistent with the evolving capacities of the child".

2. Views of the child within families (art. 12)

88. Whilst the Children's Act 1982 does require social services and courts to have regard to the wishes and feelings of the child when decisions in respect of that child are being made, no comparable requirement exists with regard to decisions made within the family. There is no provision within the Children's Act in Seychelles for a child to apply to the court for an order relating to residence, contact or any other matter relating to parental responsibility. Parents, by contrast, have an absolute right to apply for such orders. Without such provision children cannot challenge decisions made by adults about where they should live. However, whilst having the right to apply to the courts for an order would represent an important step forward for children, it is clearly a right which should only be exercised when discussion and negotiation have failed. It should be a measure of last resort.

89. There is therefore a need to introduce an obligation to listen to children's views at an earlier stage if the principle embodied in article 12 is to have any real significance in children's lives. There is also a need to introduce into law a requirement that all parents should listen to the views of children and give them due consideration when taking significant decisions that affect the child. Such a requirement gives legal recognition to the principle that children have a right to participate in matters that affect them, and it is important that this right be exercised at the earliest possible stage in order to avoid, where possible, the need for adversarial proceedings. This is an issue about which many young people feel very strongly.

90. There should be in law a requirement which states that before a person reaches a major decision which involves fulfilling parental responsibility or exercising a parental right, the person shall, so far as is practicable, ascertain the views of the child concerned regarding the decision and shall give due consideration to those views, taking account of the child's age and maturity. There should also be limits on parents' rights to physically punish their children, going some way to meet the requirement in article 19 that children in the care of parents and others should be protected from "all forms of physical or mental violence". (The right of the child to physical and personal integrity is covered under a separate chapter.)

3. Government assistance in the case of children (art. 18)

91. The responsibility of the State in fully assisting parents with their child-rearing responsibilities is primarily vested in the Social Affairs Division of the Ministry of Employment and Social Affairs. Through the Social Affairs Division, the Ministry provides counselling, emergency financial support and associated assistance on a case-by-case basis. The Ministry is also responsible for the development and maintenance of institutions, facilities and services for the care of children. Attention should be given to the development of improved services/facilities. The area requiring serious attention is the placement of children in institutions of care or in foster homes. The subject is covered in greater detail under section VI of this report. The St. Elizabeth Orphanage, the Foyer de Nazareth and homes run by the Sisters of Charity are run by nuns. Government provides assistance to these institutions in the form of financial support. An allowance of SR 300 per month is given for each child placed in care by the State. Standards in such facilities vary significantly, indicating a need for Government (MESA) to give effect to the establishment of standards of care.

92. Other ministries also have services and programmes for children and young people, and NGOs like CARE and Les Li Viv are playing a significant and valuable role in assisting Government to carry out its role as per the Convention. Counselling services are offered by various ministries and non-governmental agencies. The Ministry of Education and Culture has a pool of school counsellors to provide counselling and other advisory services to children who are facing any problem. At district level the Ministry of Local Government, Youth and Sport has district youth officers who develop, organize and conduct programmes and services for young people.

93. Social services tend to focus their services on those families where children are seen as being at risk of abuse. Thus, the major share of limited resources available go to child protection services. It can, however, be argued that putting more resources into family support services may well reduce the number of children at risk. It is worth considering interventions that would promote parents' capacities to protect their children themselves rather than the current practice where social services are more prepared to protect children from their families instead. A broader definition of need should be adopted, looking at causes as well as symptoms of need and thus recognizing that the problems of many families are rooted in long-term situations of poverty rather than individual pathology.

4. Levels of family support

(a) Standards of day-care provision (art. 3, para. 3)

94. Day-care provision for children is central in the range of support services that parents require in bringing up their children. The Seychelles Government recognizes the benefits to children of nursery education. Nursery/crèche education is part of the formal education structure. It caters for children of three and a half to five and a half years old. Enrolment is almost 100 per cent of that age group. Responsibility for these facilities and services is primarily that of the Ministry of Education.

95. For many children less than 3 years whose parents are working, the two main forms of childcare available are child minders and day nurseries. Child minding, whilst in many ways a desirable option for very young children, is limited outside the family in Seychelles. Day care for children from 3 months to 3 years is provided primarily by the private sector. Government assists by providing facilities, i.e. buildings. It is a fee-paying service, with fees ranging from SR 300 to SR 600 a month per child. This is considered expensive for many low-income families, single parents, and for those families with more than one child of that age. Data on the number of children currently in day care are not available; however, it is recognized that there is a shortage of affordable facilities. The Ministry of Local Government, Youth and Sports plans to build six more day-care centres under the National Plan of Action for Children.

96. The Ministry of Education and Culture is responsible for setting minimum standards for day care and monitoring the same. This is consistent with the requirement in article 3.3. The Ministry provides clear guidelines as to the standards required for licensing. Yet consultative visits of these day-care centres suggest that monitoring is ad hoc, and in some cases the standards, especially of safety and competent supervision, are being jeopardized. There is a general fear that too rigid a definition of standards might lead to a reduction in the availability of provision. Thus, from licensing to social services and the Ministry of Education there is a flexible approach to registration. Stress is put on the physical facilities available with less emphasis placed on competence and other standards. Moreover, day-care provision is seen as a means of gainful employment for women, and there may be instances when unemployed women are encouraged and assisted to open a day-care centre. It is not appropriate to rely on a reduction of standards as a means for providing employment to women or as means for achieving growth in provision. There is traditionally little commitment by social services or the Ministry of Education to consulting parents and children about the type of services needed, and the most effective ways of providing them. See also section IV.B.2.

(b) Maternity rights and parental leave

97. In Seychelles statutory employment rights for working parents to enable them to fulfil responsibilities towards their children are limited.

98. Maternity leave entitlement is 12 weeks. Given that this leave can commence 2 weeks before the baby is due, this means that many mothers will be liable to return to work when the baby is only 2 months old. There are no childcare or breastfeeding facilities at workplaces and therefore the consequences of such a short leave and early return to work is in most cases detrimental to the best interests of the child. It inhibits the possibility of the mother continuing to breastfeed in contravention of article 24.2 (e).

99. Since it is also virtually impossible to find child minding and childcare for a baby aged 3 months or less, the mother is faced with the choice of losing her job or, if she can arrange child minding, separating from her newborn baby very early. For most women, especially single mothers, the latter is the only option available as they are dependent on their earnings.

100. To date there is no recognition in employment law of the responsibilities of fathers towards their children. There is provision for mothers to take time off for antenatal and post-natal appointments, but there is no provision for parents to choose who will take time off to care for a baby. This denies fathers the capacity to exercise their responsibilities in respect of their children in line with article 18.1. There is an ongoing debate on paternity leave, though this would need to take into consideration the cultural issues relating to the subject.

(c) Support for families with disabled children

101. All children in Seychelles, whether with a disability or not, are protected and cared for above all considerations of race or creed. This brings the responsibility for providing services to disabled children within the mainstream of childcare legislation, requiring social services to minimize the effect of their disabilities and to give such children the opportunity to lead lives which are as normal as possible. This principle recognizes that disabled children are children first and foremost, and is consistent with the obligation in article 23.

102. Compliance with article 23 on the rights of disabled children requires that disability be defined to encompass children with diverse special needs rather than limiting consideration to those with the traditionally recognized handicaps. Authorities in Seychelles are obliged under the Children's Act to keep a register of children with disabilities. This is currently undertaken jointly and somewhat haphazardly between social services, the Ministry of Education and health departments. The National Council for the Disabled together with representatives from the Ministry of Employment and Social Affairs, the Ministry of Health and the Ministry of Administration and Manpower is organizing a disability census/household survey. The data collected will be used to maintain an accurate register of disabled persons and periodically updated.

103. There is concern about the very considerable shortfalls between the standards established for disabled children in article 23, and actual practice and service provision on a day-to-day level. Disabled children experience both direct and indirect discrimination and continue to be marginalized from much mainstream activity not by virtue of their disability, but by the failure to create the necessary opportunities for them to participate.

104. Many ministries provide services for disabled children. The Ministry of Education provides basic education through the School for the Exceptional Child for those children who are not able to join mainstream schools, while the Ministry of Employment and Social Affairs provides through the Rehabilitation Centre, therapeutic treatment, vocational training and manufactures as well as supplies/aid(s).

105. The Rehabilitation Centre ensures proper assessment of all disabled persons to determine their medical, social, educational and vocational abilities in order to organize and provide appropriate rehabilitation services and ensure their full integration in the community.

The right to special care

106. Authorities in the fields of education, health and social services in Seychelles should have a duty under the Children's Act to identify children in their area who are in need, to include children with disabilities, and to provide or make available services which might benefit them.

107. Appropriate levels of integrated services can mean that families are better able to care for their disabled children with reduced likelihood of breakdown, and that the quality of life for those children is improved with greater opportunities to participate in everyday activities. Thus, the principles of non-discrimination (art. 2), of non-separation from families (art. 9) and of special care and help towards social integration (art. 23) can all be promoted by imaginative and well-resourced services.

108. There should also be appropriate arrangements for liaison between social services, the Ministry of Education and the health authorities in line with recognition of the advantages of an integrated approach. The general impression is that continuous assessment is poorly coordinated and service provision is determined by the level or resources, not needs. The National Council for the Disabled has also stressed the need for much better coordination in the delivery of services to avoid the fragmented, inefficient and inconsistent arrangements which currently characterize much of the assistance which is available.

109. There is a need to introduce legislation requiring social services to assess the social care needs of children affected by disability and to publish information about services for disabled children. Such an approach would clearly enhance the opportunity for disabled children to receive special care and assistance appropriate to the child's condition and to the circumstances of the parent or others caring for the child, as required by article 23.2.

Respite care

110. Attendant care is provided by the State for those families that include a child with severe disabilities. No respite care is available, nor is there counselling for parents or families which include a child with a disability. Respite care is a vital resource for families caring for children with disabilities, providing opportunities for rest and emotional and psychological renewal. It should reflect the views of the child as well as those of the caring members of the family if it is to comply not only with article 23 but also with article 12 and the child's right to participate in decisions that affect them. Social services, if they are to meet these obligations, must have the resources and commitment to develop a range of facilities for respite care including provision with the child's own home, within families, and specialized residential homes. The type of accommodation provided, its location, and the opportunity to return to the same placement and develop relationships with the carers are all relevant to ensure that the child's interests are considered. The continued problem of lack of provision for suitable respite care is in breach of the government objectives under Act 23 of the Convention.

111. An important first step towards changing this situation would be the implementation of regular comprehensive reviews of care plans. Without this it is not possible to ensure compliance with article 3 and the best interests of the child, nor can proper consideration be given to article 20.3 and the suitability and continuity of care necessary for the child.

Social integration

112. The Rehabilitation Centre runs a social rehabilitation programme aimed at preparing the disabled person, through the development and restoration of social skills, for social integration in the family and community. However, serious concerns exist with regard to the provision of day care and out-of-school care for disabled children and those with special needs. There is inadequate availability of integrated publicly funded day-care provision for disabled children. At present, the lack of adequate provision means that disabled children often have even less access to day care than other children do. In consequence, not only does the lack of provision mean that we are not complying with article 23, but also disabled children are being discriminated against in contravention of article 2 in the opportunities available to them.

113. Further difficulties are experienced by parents wish disabled children. Many general services for children, including leisure, play and recreational facilities, do not cater for disabled children, thus both discriminating against those children in breach of article 2 and placing considerably increased burdens on their parents. The lack of access for wheelchair users to many public buildings, public transport systems, shops and restaurants further isolates some children and parents. The National Council for the Disabled has written to the Planning Authority in the Ministry of Community Development for an occupational therapist to sit on its Planning Committee and to the Division of Land and Transport asking them to look into the possibility of putting a sound system on the traffic lights to assist blind persons.

114. There is a need for social services to develop strategies to address these issues if they are to begin to achieve compliance with the requirements of article 23. At present, there is often a lack of coordination between different departments, which means that no coherent approach exists to ensure that the services needed by disabled children and their families are developed. There is a danger that unless services are properly coordinated, disabled children will continue to receive an increasingly fragmented service.

115. Families with disabled children, as well as the children themselves, should be consulted on the types of services they require and on how best to ensure opportunities for participation in everyday life. Failure to do so renders it unlikely that the requirements of article 23 can be attained. Without a commitment to listen to them, disabled children are more likely than able-bodied children to encounter social isolation, discrimination, and the risk of family breakdown through stress.

116. Research on causes, types and frequency of disabilities, the availability and efficacy of existing programmes, and the need for development and evaluation of services and support measures has not yet been done. This information is essential if the Council is to provide a comprehensive service to the disabled.

117. While the legislative framework does exist for compliance with the relevant rights in the Convention, it will be necessary to monitor very closely the implementation of that legislation. Considerable resources are required to develop and maintain services such as respite care, home care, home help, transport and specialist advice services, without which the principles in the Convention will remain little more than mere aspirations.

(d) The child's views in divorce and separation (art. 12)

118. Separation and divorce are common in Seychelles, with potentially adverse effects on children. There is growing concern over the number of cases of parents fighting over custody of their children and where the views of the child and the "best interest" principle are not given due consideration.

119. Under the Children's Act a court cannot make an order in respect of a child in divorce proceedings unless it is satisfied that the order will positively contribute to the child's welfare. It was intended to restrict the making of orders to situations where it was demonstrably necessary in the expectation that this would reduce conflict and promote parental agreement and cooperation.

120. In situations where the parents agree on where the child should live and the level of contact with the absent parent, a form is submitted to the court setting out the details of the proposed arrangements for the children. In the majority of cases this is accepted and no further investigation undertaken. In such uncontested cases there is no opportunity for children to express a view on what they wish to happen as is required by article 12, and no opportunity for children to challenge a decision with which they are unhappy.

121. Only if the parents fail to agree, or if the judge is dissatisfied with the proposals, will there by any further scrutiny of the case and the possibility of a court case to determine what would be in the best interests of the child. The child in these circumstances is not normally party to the proceedings and will not be legally represented. Compliance with article 12 and the right to be heard in all relevant proceedings would require that children be made automatic parties. Children in public law proceedings have this right, so such a change would also be consistent with the requirement in article 2 that all the rights in the Convention must apply equally to all children.

122. There is a legal provision for a child to apply to court to make an order relating to his/her welfare. In one particular case the court approved a child's request to grant social services custody over him. But while some parents will obviously consult their children and take their wishes into account when deciding on residence and contact, they are under no duty to do so. It is therefore probable that children will have decisions imposed on them in which they have taken no part and with which they are unhappy. The extent of the problem is, by its very nature, hidden. It will be necessary to undertake research to ascertain whether the current procedures in divorce and separation cases do adequately protect children's rights.

123. Concern has been expressed that children's wishes and feelings are not adequately catered for in Seychelles private law as required by article 12. Agencies dealing with childcare have recognized that this needs to be taken seriously and revision of the Children's Act 1985 provides that parental responsibilities will include a duty for parents to maintain personal relations and direct contact with the child on a regular basis. Thus, it is moving away from viewing contact as an adult right to a focus on the right of the child to contact. Without ultimate access to legal redress the child has no means of exercising the right to contact or participation in

the decision-making process. It seems therefore that there is a need for greater awareness on the part of lawyers of the possibilities of section 3 and clearer legal aid rules which make it explicit that children may instruct the court in order to raise actions on their own behalf. It is proposed that children's right to apply to court should be spelt out in legislation. Parents should also be educated on the effects of using children against the other parent in divorce/separation cases.

C. Separation from parents (art. 9)

1. Provisions for separation

124. There are many provisions under Seychelles law to separate a child from his or her parents, in circumstances where the child is considered to be at risk. The court may separate a child from its parent as a consequence of a sentence for unlawful behaviour by the child. A parent/guardian can be divested of authority over a child under 18 years of age if the parent/guardian is found guilty of any offence against that child. The Supreme Court also has power to make orders of custody on the application of either parent in relation to a child who has not yet attained 18 years of age.

2. Information on location of relatives separated from the child by the State

125. There are no provisions in Seychelles law requiring the State to provide family members with information concerning the whereabouts of a person separated from his/her family due to government intervention. In most cases the information is given informally and there are cases where parents have complained when such information has not been given.

3. Children with parents in prison (art. 9)

126. Once a parent is imprisoned in Seychelles there are substantial difficulties for her children in maintaining regular or meaningful contact. Convicted prisoners are only allowed one visit per month of between half an hour and an hour, which is totally inadequate for renewing and sustaining contact with a child. Because of the location and distance of the prison from the mainland, special arrangements have to be made for children to visit. These visits are not possible in the evenings. Where the child is at school or the accompanying adult is working, this means that visits are only possible on the weekends.

127. The physical environment in which visits to parents take place is constraining and unfriendly, further adding to the stress and discomfort experienced by children in such situations. The current prison arrangements fail to take account of the children's best interests (art. 3), of the children's right to maintain contact with both parents (art. 9) and of their right not to be discriminated against because of the status of a parent (art. 2). In a recent case, when a prison sentence was unavoidable in respect of a mother, the National Council for Children called on the Probation Services to consider the "best interests" of the children and to recommend a suspended sentence with a probation order instead.

128. The court should recognize that young children do experience profound emotional and psychological effects when separated from, in particular, their mother, often with long-term harmful consequences. In most cases, separation from either parent is traumatic. Therefore children's best interests should be considered when sentencing parents, examining both the practice of imposing prison sentences on women and reviewing the quality, frequency and resourcing of prison visits when parents are imprisoned.

D. Family reunification (art. 10)

129. The Constitution guarantees every person freedom of movement. This right is governed by the Immigration Division and applies to children who need to be reunited with a parent living overseas.

E. Recovery of maintenance for the child (art. 27)

1. Legislative provisions

130. The liability of parents for the maintenance of their children has been considered under section VI.B of this report. Their duty is to ensure an adequate standard of living for the child. To this end there are general laws relating to economic support for a child under 18 years of age. The Supreme Court in matters of divorce is empowered to amend maintenance payment to a former wife or husband for and on behalf of the children. The Children's Act 1982 makes it an offence for a parent to refuse or neglect to pay maintenance for his or her children. It also entitles a child to a maximum of 15 per cent of the parent's earnings. The parent has the right to take a maintenance application to the Family Tribunal or court. In such instances the court or tribunal may award a ratio of maintenance substantially more than that previously awarded.

2. Enforcement of maintenance orders

131. Provisions for the enforcement of maintenance orders are contained in the Children's Act. This includes the enforcement of maintenance orders made overseas, and the enforcement abroad of maintenance orders made in Seychelles. Such provisions can be extended to any Commonwealth country having reciprocal arrangements with Seychelles.

132. An order for attachment of earnings is only made after default for two consecutive months. At present a large number of parents do not take their responsibility for maintenance seriously, and in practice the laws are not enforced properly. Contempt of court is not invoked when a parent fails to turn up to court, and imprisonment for failure to comply with court orders for payment is rare. Forty-five per cent of the population live in households headed by women, and they form the largest proportion of the beneficiaries of welfare assistance. Moreover, the procedure for compelling a parent to pay maintenance is often long and humiliating, and consequently many women do not pursue this option. It is therefore recognized that there is a need to review and strengthen existing provisions regarding maintenance of children to bring them more into line with the provisions in the Convention.

F. Children unable to live with their families (art. 20)

133. Responsibility for the care of children who have been removed, separated from or otherwise deprived of a family environment is vested in the Division of Social Affairs of the Ministry of Employment and Social Affairs. Through the Children's Act 1982, the Ministry is empowered to make provision for temporary or permanent care and protection of children, coordinate foster care, assess adoption applications and administer or supervise care. At present there are a total of 10 children with 10 foster families, 140 children in institutions and 22 children placed in the Youth Regional Treatment Centre (YRTC).

134. In terms of the Children's Act (sect. 25 (1)) a child can be declared by the Children's Board to be a child in need of care if the child has neither guardian or parent, is abandoned, lost, or if he/she is not getting proper care, accommodation, maintenance and upbringing. In such situations the child can be removed from the custody of his or her parent or guardian and placed with foster parents or in a children's home. If the child is not removed from the custody of the parent or guardian, the situation maybe placed under the supervision of a probation officer or a social worker. If necessary, a child can be removed from the family environment to a temporary place of safety while the Children's Board makes an inquiry into the circumstances of the case (sect. 80 (1)).

135. At present the President's Village is the only State-run children's home in Seychelles. It is a home for children and young people who are either orphaned or neglected by their families. This home was opened in 1987. The original concept for the President's Village was based on providing a family environment for those children. Upon admission each child is assigned to a "mother" who provides love, support, protection and security. In addition. there are three private institutions which are registered as children's homes under the Children's Act and provide homes for orphans as well as children in need of care for other reasons. There is no provision for residential care on Praslin or La Digue or other islands. The YRTC caters for children with social and behavioural problems.

136. In 1995 statistics from Social Affairs show that 199 children were found to be children in need of care in terms of the Children's Act. Most of these cases involved alcohol or drug abuse by the parents, leading to physical and moral neglect of the children, either as a direct effect of the substance abuse, or as an indirect result of other consequences of substances abuse, such as unemployment. A few of these children were removed from the family environment because of sexual abuse.

1. Placements (art. 2)

137. In Seychelles, children and young people who may require compulsory measures of care are referred to the Children's Hearings system. Section 79 of the Children's Act sets out very clearly the criteria for decisions. The Children's Act 1982 provides under sections 28-32 for foster care, and foster care is now being seen as the preferred alternative for the placement of children in need of care. However, there are few foster families registered under the Children's Act Foster Care Regulations (1995). There are currently a total of 11 children placed with foster families. The Children's Board follows a policy of trying to keep siblings together, and it is often difficult to find foster parents who are willing to take large groups of children or to foster

those children who have been abused and thus need specialized care. When a child is removed from the home environment, a social worker is assigned to both the child and the family. However, the counselling and support role provided by the social worker is limited at present because of a severe shortage of social workers.

(a) Suitability

138. Whilst for many children foster care is the most appropriate form of care, this is certainly not the case for all children. Article 3 requires that choice be available. It cannot be possible to ensure the best interests of the child if there are limited options available for placement. Article 12 insists that children be able to express a view on all decisions affecting them. However, unless there are options available, opportunities for participation are meaningless. Children and young people have no impact on the decisions that are made regarding their placement. It can be argued that a voice for the child is useless or even dangerous when it is not accompanied by high standards of substitute care and a range of options, which enable choices to be made.

139. Residential care is used as a service of last resort, but it may be better than foster homes in meeting the needs of some children. There is a need to review its role in an integrated system of care for children. The residential homes visited in the preparation of this report were concerned with regard to the support that they were receiving from the authorities. Management and staff felt isolated and under scrutiny from the authorities. There is need for improvements in supervision, procedures for admission, management of homes and staff training and to review the role of residential care in an integrated system of care for children.

(b) Contact with family

140. Continued contact with a child's family, including parents, siblings, grandparents and others, is a vital key to the welfare of children looked after by social services. There are obviously some children who cannot or would not want to sustain contact with their families, but for many it is their own family to whom they return once they leave accommodation or care and with whom they maintain contact throughout their adult lives. Young people in the consultation process commented on their concerns about lack of contact with family members.

141. There is a considerable body of research evidence demonstrating the value of continued contact with families for children in accommodation or care. Continued contact with families has shown to be associated with fewer fostering breakdowns. However, there is also an argument for the need to sever contact with a child's birth parents in order to achieve security and permanence with foster carers. The Children's Act endorses the need for contact. It is therefore necessary now to ensure that practice is consistent with this.

142. There is no research evidence in Seychelles on placement outcome. It is recommended that social services improve national childcare research, which can provide details on what happens to children in care, and make it possible to begin to build up pictures of "care careers" rather than just snapshots provided by numbers. It is important that there be consistency in monitoring in order to allow comparisons to be drawn.

2. Disabled children (art. 23)

143. The principles outlined in article 23 must form the framework within which all services for disabled children are evaluated and developed. The recognition in the Children's Act that services for disabled children should be integrated and subject to the same principles as those for all other children represents a significant move forward. However, practice has not yet fully matched the principle. There are no reliable figures on the number of disabled children in residential care. Visits to children's homes revealed some mentally disabled children in care. Institutions having children in care do not seem to have the necessary skills and expertise to comply with article 20.3 and article 3.3 which require suitable staff and institutions for the appropriate care of all children. Management also needs to take into account the special factors relating to disability.

3. Reviews (art. 25)

(a) Reviewing duties

144. In Seychelles regulations issued under the Children's Act impose reviewing duties on social services for all children whom they look after. These duties also apply to children in secure accommodation provided in the YRTC. There are, however, no obligations to review cases of children who have been placed in voluntary children's homes. Article 2, implies that such unevenness of provision is unacceptable and that comparable requirements should be introduced for all children.

(b) Participation in reviews

145. The Children's Act requires that social services must obtain and take account of the feelings of a child before making any decisions in respect of a child whom they look after. This requirement is consistent with article 12. However, the reality for many young people is far from satisfactory in this respect and, in order for a child to be able to participate effectively in reviews. It is necessary to undertake a great deal more than merely inviting them to be present. Young people in care who were interviewed felt that they were not necessarily listened to at reviews.

4. Leaving accommodation or care (arts. 20 and 21)

146. Most families retain a strong sense of continuing responsibility and involvement with their children, not just in childhood but throughout their lives. A decision to remove a child from its family must take on board the implications of severing that child's contact with family, possibly forever.

147. Both the preamble and article 9 of the Convention acknowledge the importance of the security and stability that family life can provide. Where this is not possible within the child's own family, the child is entitled to special care and protection provided by the State (art. 20.1). The nature of that protection must take account of the principle in article 2 that all children have

the right, without discrimination, to all the rights in the Convention. So social services must ensure that the rights of young people leaving care - to an adequate standard of living, to material assistance with housing (art. 27) and to protection from drug abuse (art. 33) and sexual exploitation (art. 34) - are as well safeguarded as they would be for children living within their own family. Unless policies are developed and backed up with the necessary resources, these obligations under the Convention will not be met.

148. There are no readily available statistics on how many children leave the care system in Seychelles. In practice most continue to stay even after they are 18 years of age, the argument being that considerable numbers of these young people would end up homeless, on the streets or trapped in a cycle of admissions to psychiatric hospitals or prison. The President's Village for abandoned children or orphans has three children who have reached adulthood and were still living there because no provision had been made for when they came of age.

149. Both policy and practice fall far short of meeting the standards necessary to ensure that children in public accommodation or care are provided with adequate support for when they leave. The President's Village is already overcrowded, and unless the question of what happens to those who have reached adulthood is addressed the situation will get worse.

150. There is a need to develop after-care policies, and for social services and housing departments to explore and develop coordinated policies and criteria for assessment of housing needs. An essential prerequisite is to ensure that young people are prepared for leaving accommodation or care - where housing is obtainable, loneliness and inability to cope can cause problems for the youths.

5. Consultation and the evolving capacity of the child (art. 12)

151. The Children's Act in Seychelles requires that children's wishes and feelings be considered where decisions about them are being made. However, practice still lags a long way behind the principle. Interviews with management and children in residential homes suggest that there is still consistent failure to involve young people in decisions as broad-ranging as policies within children's homes, placements, contact with families, participation in case conferences, and development of childcare plans. Many young people experience a lack of control over their lives, being placed without consultation and sometimes without warning, waiting months for meetings to determine their future, or attending case conferences hoping to express their views only to find that decisions have already been made.

152. Detailed research is required, but informal consultations with young people in care reveal that they feel marginalized from decisions that affect their lives. In fact, some refused to say anything on the matter when interviewed. Serious application of the principle requires that social services and voluntary organizations looking after children:

(a) Ensure that children have adequate information appropriate to their age with which to form opinions;

(b) Provide them with genuine opportunities to express their views and explore options open to them;

(c) Listen to those views and consider them with respect and sincerity;

(d) Tell children how their views will be considered;

(e) Let them know the outcome of any decision and, if that decision is contrary to the child's wishes, ensure that the reasons are fully explained;

(f) Provide children with effective and accessible avenues of complaint, backed up by access to independent advocacy.

153. It will be necessary for social services and voluntary organizations to ensure that policies are introduced which establish the basis for good practice, and provide detailed guidelines for practitioners. The process of change should involve young people directly - they will necessarily have experience and views about how agencies fail to involve them and what might be done to put things right. Effective involvement of young people also calls for a major shift in the training of social workers, counsellors and other professionals working with children, and in the culture of social services towards recognition of the civil rights of young people being looked after.

6. Complaints procedures (art. 12)

154. Complaint procedures are considered central to a commitment to respecting children's and young people's right to have their views heard. Rights are meaningless if there is no means of redress where they are not properly respected. The Children's Act requires social services in Seychelles to establish complaint procedures in respect of children defined as being in need. Children and adults with an interest in the child must have access to these procedures. When asked about their complaint procedure, the management of the institutions visited admitted to a lack of any formal complaints procedure. Most children felt that there was no one to whom they could seriously talk when things went wrong.

155. The National Council for Children is recognized as the only agency providing an independent advocacy service, offering advice and support for children and others acting on their behalf. Yet NCC's advocacy role is problematic. Its collaboration with other authorities dealing with children is a struggle, since the general culture in social services is one that sees advocacy as interference, rather than as a means of improving services.

156. It is also important that the difficulties faced by disabled children using complaints procedures are addressed. Disabled children may be significantly more vulnerable within the care system to abuse, neglect or inadequate consultation. If a child has complex needs or communication difficulties, every effort should be made to ascertain his or her views. There is also a need to recognize that parents have a continuing responsibility for children in care and will often play a key role in supporting a child wishing to make a complaint. The complaint procedure therefore must be accessible to parents and recognize the concern and commitment that most parents will sustain for their child while they are looked after.

G. Adoption (art. 21)

157. The Division of Social Affairs has administrative responsibility for adoption matters. In Seychelles adoption is governed by the Children's Act (Part V, sects. 33-69). There are four categories of persons who are eligible to adopt children: (i) a husband and wife jointly; (ii) single person (unmarried, divorced, widow or widower); (iii) a married person acting individually, where the spouse by ill-health, physical or mental, is considered incapable of making an application; or (iv) a married person acting individually, where the spouses are separated and where the separation is likely to be permanent. Where a child is orphaned and has no guardian or has been abandoned by his parents, the President of Seychelles on behalf of the Republic may adopt the child (sect. 39). Details of adoption are maintained at the Supreme Court.

158. There are a number of rules concerning the age of adoptive parents and the age of the adoptive child. The basic rule (sect. 36) is that the adoptive parents must be over the age of 21, but there is a degree of flexibility where the child to be adopted is related to someone in the adoptive family. The child's parents or guardian must give consent to adoption. In the case of a child born to a single mother, only the mother's consent is required. The consent of one parent is also sufficient where the other parent is dead, mentally incompetent or incarcerated as an habitual criminal, or where one parent has deserted, neglected or ill-treated the child (sect. 40 (1) (b)). Parental consent may be dispensed with altogether where such circumstances apply to both of the child's parents (sect. 39 (1)). Where the child to be adopted is over the age of 14, the consent of the child must be obtained.

159. All applications for adoption are considered by the Supreme Court, which may consider evidence on any matter that it considers relevant to the adoption. The court's primary consideration is whether the proposed adoption will serve the interests of the child. The court must satisfy itself that the adoptive parent or parents are fit and proper persons to be entrusted with the child. An adoption order shall not be made unless the child is resident in Seychelles. No order shall be made in relation to a child who is or has been married (sec. 34 (1)-(7)). An application for an adoption order of a parent or guardian of the child who is aggrieved by the refusal to make an adoption order may appeal to the Court of Appeal. Upon adoption, the child normally receives the surname of the adoptive parent and is treated as the natural child (sect. 66 (2) (v)). The adoptive child does not have the right to inherit from any relative of the adoptive parent in the absence of a will to that effect, but retains the right to inherit from the natural parents or his/her relatives in the absence of a will.

160. Intercountry adoption is discouraged in Seychelles. In the case of any child born to a Seychelles citizen, the applicant (or at least one of the applicants) for adoption must be a Seychelles citizen resident in Seychelles. The only exceptions are where at least one of the adoptive parents is a Seychellois citizen and a relative of the child but resides outside the country, or where at least one of the adoptive parents is a permanent resident who qualifies for naturalization as a Seychelles citizen and has in fact already applied for naturalization. Ministerial approval is also required in such cases.

161. Having ratified the Convention, the Government has used the opportunity to propose amendments to the current adoption legislation to include greater safeguards for adopted children, and to ensure that they retain contact with their natural family. In particular, it makes explicit article 21 of the Convention, which sets out very clear standards that should operate with regard to adoption both within this country and in the context of intercountry adoption. The proposed amendment of the adoption laws recognizes the right of the adopted child to retain family links, and to know his/her true parents. In the Seychelles context it is considered important to promote family unity, and it is therefore proposed that the court be allowed discretion to allow access to natural parents as seen fit. This amendment is in compliance with the right to preserve identify (art. 8) and the right, when separated from family, to maintain contact (art. 9).

162. It is acknowledged that there are a number of fostering practices in Seychelles that are in fact informal adoptions, which occur without the authority's knowledge. In most cases it is the grandmother or another relative who may "foster" when the mother of the child is going to work on an outlying island or overseas or is for other reasons deemed unable to care for her own child. For the families involved this would rarely be viewed as an adoption, but it raises considerable concerns about the child's status and may become very complicated when the natural mother wants her child back.

163. It is also proposed that the Convention and Children's Act be used as guidelines when deciding on these adoption issues. In order to safeguard the interests of a newborn baby abandoned at birth it is proposed to compel Ministry of Health staff or any person handling unwanted babies at birth to notify the Director of Social Services immediately.

164. It is noted that 14.5 per cent of births in 1996 were to teenage mothers, a substantial proportion of whom are aged below 18. In instances where the infants are offered for adoption, the law would require the consent of the mother's parent. The court has to take into account the views and best interest of the child and has the directive to take into account the views of the teenage mother. Some attention needs to be given to the latter's rights once she attains the age of being able to grant informed consent herself, especially in instances where the adoption may be made against her wishes.

165. There are a number of other rights contained in the Convention which need to be considered in developing procedures which are genuinely child-centred. Article 12, article 8, article 9 and article 30 all need to be considered in evaluating both current and proposed adoption law.

1. Same-race placements (art. 30)

166. There has been considerable worldwide debate over the past few years relating to the placement of children for adoption in families of the same race. The Children's Act acknowledges the importance to children of having the opportunity to be brought up by a family who can sustain the child's links with his/her language, culture and religion. Social services are required, when making decisions in respect of children, to take account of their religious

persuasion, racial origin and cultural origin. It is certainly the view, though not written policy, in social services that same-race policies are central to good practice. Seychelles is indeed a multicultural society but his should not mean that we dismiss the centrality of race and culture to a child's identity, especially in the context of intercountry adoption. Clearly, issues of race and culture should not override all other considerations and, in particular, they should not override the views and feelings of the child. But it would be helpful if the principle of respect for the child's race, culture and language was embedded in policy as an issue to be given serious consideration whenever placing children.

2. Information about adoption (art. 8)

167. Any legislation and policy on adoption should recognize the fundamental importance of informing a child about the adoption and should recommend that adoption agencies have a responsibility to advise adoptive parents of the necessity of explaining this to the child. It is further recommended that adoptive parents should be provided with a package of information about the child's background, to be given to the child when he or she is of an age to understand it. These proposals are entirely consistent with article 8. Inclusion in adoption law would assert the principle as a fundamental right of all children, and would highlight the importance attached to ensuring that adoptive parents respect it.

H. Illicit transfer and non-return (art. 11)

168. No instance of illicit transfer has been reported in Seychelles. Although Seychelles is not a party to any specific international agreements on the issue of kidnapping, the Ministry of Foreign Affairs, Planning and Environment is abreast of international developments in this area. Seychelles has not yet ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

I. Abuse and neglect (art. 19) including physical and psychological recovery and social integration (art. 39)

169. There is no statutory definition of child abuse in Seychelles to date. The Children's Act, section 70, in defining offences against children, refers to "assault or ill-treatment of a child; neglecting, abandoning or exposing a child in a manner likely to cause him unnecessary suffering, moral danger or injury". The Ad Hoc Committee on Child Protection has adopted a definition including types of abuse (physical, psychological, sexual). It has also identified signs of each type of abuse, and a manual of procedures on child protection has been prepared. Plans are under way to run training workshops, and to follow up with public education programmes aiming to mobilize communities, families and professionals in an effective child protection system. There is, however, concern that current interpretations of this definition and of the authority's duties to investigate are not providing adequate protection from physical violence and neglect.

170. The Seychelles' Constitution guarantees that certain offences against a child are punishable by imprisonment under the Penal Code. In addition there are offences against a person, which includes the child, for which the perpetrator may be prosecuted e.g. murder,

incest, assault, other forms of neglect, mistreatment and abuse are covered by a variety of criminal offences. The Children's Act makes it an offence for any person having custody of a child to assault, ill-treat, neglect or abandon that child in such a way that unnecessary suffering, moral danger or injury to the child's health is likely to result. It is also an offence for any person who is legally liable to maintain a child to fail to provide that child with adequate food, clothing, lodging and medical aid (sect. 70).

171. Public and professional concern over child abuse has escalated in the last few years. The Government and the National Council are doing much to raise public awareness of sexual abuse issues. A national workshop was organized in 1995 by the Ministry of Employment and Social Affairs to raise public awareness, and workshops have since been organized, with the help of organizations like the NSPCC, to train professionals to identify and rehabilitate sexually abused children.

172. There have also been significant legal reforms, notably the Child Evidence Act 1995, in which the Government took important steps to ease the burden of criminal proceedings for children who are the victims of or witnesses in cases of violence and sexual abuse. The Act implements recommendations from the Committee on Video-Recorded Evidence. The main change is the use of pre-recorded video evidence in cases of violent and sexual abuse involving child witnesses. Admitting video-recorded interviews in evidence reduces the need for the child to recount his or her evidence direct to the court. In order to preserve the rights of the accused, the child's account may need to be tested by cross-examination but the reforms allow that to take place away from the courtroom by means of a live television link. It also sweeps away the legal presumption that children are not competent witnesses unless proven otherwise. Now evidence from a child witness is treated in the same way as evidence from an adult witness. However law reforms have not provided comprehensive safeguards, and fall short of implementing the Convention's principles and standards.

173. There is as yet no reliable statistical information on the prevalence of child abuse, therefore there is no measure of its true extent. There are, however, an increasing number of cases being reported - in 1994 there were 63 reported cases, while 400 cases were reported in 1995. Of the cases reported in 1994, 32 per cent were of sexual abuse, 8 per cent of rape, 11 per cent defilement, and 5 per cent incest. Boys are victims of sexual violence to a lesser extent, and there are reports of girls as young as 21 months being victims of sexual abuse. Although somewhat unreliable, these figures suggest that child abuse and neglect are increasing. A 24-hour helpline was introduced in 1995 to receive calls regarding ill-treatment or abuse.

174. The right to physical and personal integrity and to protection from all forms of inter-personal violence is regarded as a fundamental human right. However, legislation, policy, practice and prevailing social attitudes still condone a high level of violence towards children. There is no law against physical punishment of children and courts are currently left to determine what constitutes "reasonable chastisement". In the case of adults, assaults without consent, however trivial, are technically offences. Thus, current legislation, far from providing "special care and protection" for children, affords them less protection form violence than adults.

175. There has been virtually no attempt to measure the extent of forms of violence experienced by children, in either the home or in institutions in the Seychelles. Enforcement in the area of child abuse is also difficult, as there is a public hesitancy to intrude into "family matters". Outside the home, for example in schools, there has been some progress in limiting physical punishment and other humiliating practices, but there is an ongoing debate on whether to reinstate corporal punishment in schools.

176. It is therefore recommended that Government commission a large-scale "Family Life Study" with the aim of obtaining information on: punitive and non-punitive discipline strategies used by parents; the nature of parental authority over children; variables associated with high levels of physical punishment of children; children's concepts of parental control strategies; and in particular of physical punishment.

177. The first and most urgent task must be to ensure that legislation throughout Seychelles no longer tolerates physical or mental violence against children. Any law reform to ensure that children's physical integrity is fully protected should be coupled with information campaigns encouraging positive discipline, and should aim to transform attitudes and practices.

1. Children witnessing violence in the home

178. In recognition of a growing body of evidence demonstrating the effects on children of witnessing violence in the home, the Government is putting considerable effort into raising public awareness on the issue and plans to carry out a study into the causes of family violence. Programmes based on legal, health and community support are also envisaged.

2. Protection of children outside the home

179. There is little reliable evidence on physical and mental violence outside the home/family and no reports or investigations conducted on physical and mental violence in residential institutions. Anecdotal evidence and interviews with young people, especially young offenders, suggests that violent and/or humiliating sanctions or treatment are used in residential institutions, for example in the YRTC. These include cell detention, restrictions on contact/communication with parents and other form of humiliation.

(a) Protection from physical punishment and bullying in schools

180. There is a policy of the Ministry of Education and Culture to limit physical punishment in schools, yet there is now a strong move to bring back corporal punishment with a view to reinstating discipline in schools. The Student Welfare Unit at the MoEC recently advocated for the effective abolition of corporal punishment, but has met with strong objections from head teachers and others from within and outside the Ministry.

181. In accordance with the Convention, proper legislative safeguards against inappropriate sanctions are required in all residential and non-residential institutions that include children throughout the Seychelles.

182. Bullying is a form of violence that we now know affects many children in schools and other institutional settings. Recently there has been growing international public debate and concern at the levels of bullying in schools, but little discussion within Seychelles. Research has shown that children define a wide range of behaviours to be bullying, from teasing to serious physical harm Bullying behaviours range from teasing to physical assaults, thefts of money or possessions, or extortion. Children interviewed in residential institutions in Seychelles, namely YRTC, reported cases of bullying including physical assaults involving knives and other dangerous objects.

(b) Protection from potential abusers

183. Much abuse of children is perpetrated by parents, relatives or adults employed to care for or treat children. There are particular concerns over arrangements to protect disabled children. There is currently no arrangement designed to prevent potential abusers gaining access to children through employment or voluntary work. It is recommended that these should be developed, and should include arrangements for checking on possible criminal backgrounds of those who apply to work with children, as well as proper recruitment procedures. These arrangements should apply to all childcare institutions, including child minders and day nurseries, private or voluntary playgroups, day nurseries, out of school clubs and foster carers.

(c) Inspections

184. Arrangements for inspection of institutions where children and young people spend significant periods of their lives vary widely between different services (health, education, and social services). Compliance with article 19 requires that arrangements for inspection of all institutions and quasi-institutional settings (e.g. foster-care and day-care settings) for children should be rationalized. This will ensure that there are clear and consistent powers and duties on Government to arrange appropriate inspections at regular prescribed intervals. The primary purpose must be to safeguard and promote the welfare of children. Children must have an opportunity to speak in private to inspectors (also art. 3.2). Article 3.2 of the Convention cannot be fully implemented unless there are consistent arrangements for inspection of all the settings where children may spend significant periods. Current arrangements for inspection vary in frequency, and in most cases are not specified at all. It should be made clear whether reports are publicly available; whether they specify what aspects of the institution and of the children should be inspected; and whether inspectors are required to see and talk to children.

(d) Reviewing care and treatment

185. The Children's Act (sect. 899) makes provision for reviews of supervision requirements, but current practice arrangements for regular reviews of children's care and treatment are in many instances almost non-existent, and when they do occur are extraordinarily inconsistent between different services and institutions.

3. Children involved in prosecution of abusers

186. While there have been significant recent changes, in particular the Child Evidence Act 1995, to improve the position of child victims and child witnesses giving evidence, there

remain concerns that children's evidence is still given insufficient weight, and that the court experience is unnecessarily threatening to the child. There are also unacceptable delays in hearing cases and a lack of counselling and support in the period before the hearing. All this conflicts with the obligation to make the child's best interests a primary consideration. There have been cases where hearings have been delayed for two years. The Convention emphasizes that the best interests of the child must be a primary consideration in all matters concerning them, and that affected children's views must be heard and taken seriously. This should apply to all decision-making relating to prosecution of abusers. Until the second half of 1995 cases of children involved in prosecution of abusers were heard in public and the victims were often intimidated by the lawyers for the defendant and by the whole process. The Ad Hoc Committee on Child Protection discussed the issue at length, and various significant decisions have been taken to ensure that the best interest of a child is given primary consideration in these cases. Hearings are now in chambers and child victims are treated in a sensitive manner. Delays in hearings have also been greatly reduced, and the Chief Justice has himself undertaken to ensure that cases are heard as soon as is possible.

4. Educational measures to protect children

187. Current social attitudes condone quite high levels of physical and mental violence against children in child rearing and childcare. Legislative changes as outlined above are essential to implement the Convention's principles and standards, and to provide a clear basis for child protection, prevention of all forms of violence and for information and public education programmes on positive child rearing and caring without violence or humiliation.

188. Such programmes should provide advice for parents, discouraging physical punishment and humiliation of children. They should also issue positive guidance to other carers, including those working in children's homes, foster care and day care with positive advice on control of often volatile young people.

5. Child protection procedures and services

189. There is as yet no statutory basis for the maintenance of child protection registers. There is an ongoing debate on which ministry should have responsibility for it and where it should be housed. It has now been agreed that the Ministry of Employment and Social Affairs (MESA) should be the Ministry responsible, and work is under way to agree on the criteria for placing children on the register.

190. Since the latter part of 1995, MESA and the NCC have been pressing for improved multi-agency collaboration and have organized training for social workers on child protection. Child protection procedures are also high on the agenda of the Ad Hoc Committee on Child Protection. Chaired by the Minister, it consists of representation at ministerial and Permanent Secretary level from the Ministries of Education and Health; Employment; Social Affairs; the Chief Justice, the Attorney General, Commissioner of Police and the Chairperson of the National Council for Children. A manual of procedures is being finalized. The involvement of key agencies such as social services and NCC in interviews concerning cases of abuse is highly recommended, and representatives from all agencies should be present at case conferences and meetings before decisions are taken.

191. It is strongly recommended that the procedures respect the principles and standards in the Convention, and essential that the intervention does not abuse children further. In particular, monitoring is required to ensure that there is no discrimination in the administration of the procedures, that children's views are ascertained and taken seriously at all stages, and that their right to be heard in any administrative and judicial proceedings is respected. In addition, it is important that there should be monitoring to determine children's views of the appropriateness and effectiveness of interventions following allegations of child abuse.

6. Physical and psychological recovery and social reintegration (art. 39)

192. Much violence suffered by children remains currently lawful, and there is therefore no provision for rehabilitation or support. Where child abuse is acknowledged and action taken to remove and/or prosecute abusers, child victims often receive little appropriate support. In particular, where there is a prosecution, therapy and support may be withheld until after the court case - often months or years after the event - so as not to contaminate evidence. Ministries and agencies need to review their capacity to offer physical and psychological recovery and rehabilitation of victims, and to develop their services accordingly.

193. The NCC's role is to provide this specialist service. Its services include play therapy and psychotherapy. A family therapist is being trained with a view to working with families to avoid breakdown and parental abuse. However, there are few referrals from other agencies for NCC services.

194. The Ministries of Education, Health, and Social Services also offer counselling services, but the level of their competence is of concern. In recognition of this, the Ministry of Employment and Social Affairs is negotiating with national and international organizations to identify training needs in this area and to prepare training plans accordingly.

195. Compliance with article 39, the duty to provide rehabilitative care for victims of maltreatment, requires that all victims of abuse should be offered appropriate assessment to determine what measures are needed to promote psychological recovery and social integration. Monitoring should ensure that therapy and other forms of support proposed by assessments are made available to victims.

J. Concluding remarks and recommendations

196. It is recommended that social services develop a more positive approach to the promotion of the welfare of children, adopting a broader emphasis that would allow support of children within their family and community. This approach would be more consistent with the concept of State responsibility for the provision of services for families.

197. Compliance with the best interests principle in article 3 and with article 9, the right of children to maintain contact with their parents, requires that:

(a) There be a review of sentencing policy of parents, especially mothers, with consideration of non-custodial sentences;

(b) Visiting arrangements for children with parents in custody be reviewed to maintain a high level of contact.

198. Compliance with articles 8 and 9, the right of the child to an identity and to preserve family relationships, requires that in considering applications for adoption orders, social services should determine whether the child's best interests would not be more appropriately met under an alternative order, for example an inter vivos order.

199. Compliance with article 12 requires that:

(a) The Children's Act be amended to introduce a requirement that, in reaching any major decision relating to the child, parents are required to ascertain their views and give them due consideration subject to the age and understanding of the child;

(b) Children be entitled to automatic party status in cases being heard by the courts which affect them;

(c) A child should be entitled to separate legal representation in all proceedings;

(d) A review of Seychelles court and mediation processes be undertaken, leading to a revised strategy and new court rules on children raising actions;

(e) Effective access to complaints procedures be ensured through consultation with children, young people and family members;

(f) Access to confidential advocacy services be ensured for all disabled children and young people in residential institutions.

200. Compliance with article 12 in respect of children looked after by social services and voluntary organizations requires that:

(a) Arrangements for formal reviews of placement and treatment of children, involving the children themselves, be introduced and that they be consistent in frequency and scope;

(b) Guidelines on procedures for consulting with young people be developed in relation to decisions that affect them as individuals and in relation to broader service planning and development;

(c) Staff be trained to implement and monitor the effectiveness of consultation procedures;

(d) The Government make clear, through guidance or preferably legislation, that where children's views conflict with other considerations, social services must take into account the principle of the best interest of the child;

(e) Complaints procedures be established, promoted and monitored in full consultation with young people. Particular attention needs to be given to the access of disabled children to complaints procedures.

201. Compliance with article 18, the duty of Government to promote the principle of parents having common responsibility for their children, requires that the Government consider:

(a) Increasing the statutory maternity leave period to promote breastfeeding;

(b) Introducing statutory paternity leave to promote paternal involvement in the care of children;

(c) Provision of day-care and/or breastfeeding facilities in the workplace to enable mothers to continue to breastfeed;

(d) Provision of family assistance to enable parents to stay home with their children from 0 to 4 years.

202. Compliance with article 19, the right to protection from all forms of physical or mental violence, requires that:

(a) There be an evaluation of the extent to which children are currently protected;

(b) The definition of child abuse used in child protection policy and practice should not suggest that any form of physical or mental violence to children is acceptable;

(c) The concept of "reasonable chastisement" be replaced by the parental duty to guide and safeguard children according to the child's evolving capacity;

(d) Regulations applying to all institutions for children include specification of prohibited sanctions, including physical and mental violence, in addition to a general prohibition of inhuman or degrading treatment or punishment;

(e) Primary legislation be introduced to ensure that any punishment involving physical or mental violence is unlawful;

(f) Appropriate laws be introduced/amended to ensure consistent protection of children from physical punishment in all settings. The Children's Act should include regulations prohibiting corporal punishment, deprivation of food or drink, restriction of visits or communication with parents, and others as appropriate;

(g) Child protection service providers be trained to respond to cases of violence in the home and the effects of such violence on children;

(h) Resources be made available for treatment and rehabilitation for those who have suffered violence;

(i) Research be undertaken to monitor levels of bullying in all institutions in Seychelles which include children;

(j) Legislation oblige responsible authorities in schools and other institutional settings including children to develop detailed policies to prevent and respond to bullying;

(k) All employers of staff whose work involves substantial unsupervised contact with children be required to follow statutory codes of practice on recruitment, induction and supervision of such employees. The codes would include appropriate mandatory procedures for police checks;

(l) All such employers be under a consistent legal duty to report any conduct suggesting that an employee is not a suitable person to work with children;

(m) Statutory arrangements be made for placing and reviewing children on child protection registers;

(n) Government departments and other agencies promote and provide information to the public, parents and those working with children on respecting children's right to physical and personal integrity;

(o) Non-violent conflict resolution be incorporated in the national curriculum, with a parallel education programme for parents;

(p) Guidance be offered to institutions and carers on responding to challenging behaviour, and on the minimum use of force in restraining children who are a danger to themselves or others.

203. Compliance with article 20, the requirement to ensure suitable placements for children and young people, requires that:

(a) Social services commission a review and integrated survey of current facilities available for compulsory care of children;

(b) Social services maintain and develop a broad range of foster and residential provision which promotes the child's best interests;

(c) Admission procedures, guidelines and regulations for State-run and privately run institutions be standardized;

(d) Social services examine its policy and practice with regard to continuity within the care system;

(e) Placements be made with due consideration for the child's religion, culture, race and language;

(f) Social services recruit foster carers from all social groups and religious denominations, and examine the register of foster parents to this end;

(g) There be an active commitment to the recruitment of staff and foster carers from all ethnic and religious groups represented within the community.

204. Compliance with article 23 and the right of disabled children to appropriate services and social integration requires that:

(a) Research be carried out on causes, types and frequency of disabilities and the availability and efficacy of existing programmes;

(b) Policies address the rights of the disabled and that procedures be established for evaluating policies and practice to ensure that they do not discriminate against disabled children;

(c) The right of disabled children to special care and assistance be assured through careful monitoring of coordination between Ministries of Social Services, Education and Health and other agencies;

(d) Government collaborate with NGOs and agencies such as the National Council for the Disabled to develop strategic plans for the development of integrated services including day care, leisure, play and recreation;

(e) Assessments be based on need rather than on levels of resources available;

(f) Disabled children and their parents be consulted on the development of facilities and services to ensure they reflect their needs;

(g) Social services develop a range of care provisions in order that the wishes and feelings of children in relation to placements can be acted on;

(h) A requirement be introduced under the Children's Act for childcare plans for all children who are accommodated in residential care;

(i) There be a commitment to providing the resources necessary to ensure that disabled children are not discriminated against in their access to services and facilities;

(j) Training be provided for residential staff and foster carers which develops their skills and expertise in managing and coping with disabilities;

(k) All social services have policies for promoting parental and family contact with children who are placed in residential care, including measures of practical support for travel and childcare.

205. Compliance with article 25 requires that arrangements for formal reviews of placement and treatment, involving children themselves, should extend to all children being accommodated in institutions and quasi-institutional settings throughout the Seychelles.

206. Compliance with article 12, the provision of genuine opportunities for children to express their views, and article 25, the right to periodic review, requires:

(a) Provision for participation in reviews to be incorporated into regulations throughout the Seychelles, not simply left to guidance, as is currently the case;

(b) Consultation with young people about how to improve the review structure to make it more accessible;

(c) Participation in the whole review and not just in the part where the decision is made;

(d) If a decision is made which runs counter to the child's wishes, he or she be made aware of the reasons and informed about the complaints procedure and how to use it.

207. Compliance with articles 2 and 20, together with other rights to protection from abuse and exploitation of young people leaving care, requires that:

(a) Social services explore and develop policies to prepare and assist young people;

(b) Social services provide continuing help after a young person has left accommodation or care, and be adequately resourced to achieve this.

208. Compliance with article 3.1, the duty to ensure that "best interests" of the child are always a primary consideration, and article 12, the right of the child to express a view, requires that:

(a) Authorities involved in making decisions concerning prosecution for offences of child abuse be bound by the "best interests" principle and by the requirement of article 12 to ensure proper consideration of the child's views;

(b) Arrangements for child victims and witnesses to take part in criminal proceedings be subject to the requirements of these same articles.

209. Compliance with article 12, the right of the child to express a view, and article 19 require that:

(a) Children's views on the appropriateness and effectiveness of interventions following allegations of abuse be systematically ascertained;

(b) Systematic monitoring of action taken following allegations of physical or mental violence against children be undertaken to ensure that protection is effective and that the Convention's principles are consistently respected.

VII. HEALTH AND WELFARE (art. 24)

210. Article 24.1 gives important emphasis to the positive concept of health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" as defined by the World Health Organization. Given this widely accepted definition, it is clear that the state of health of a country's children cannot be measured simply by reference to mortality and morbidity rates, but must also take into account their general well-being. Attempts should be made to develop indicators of positive health, in particular people's own perception of their health. This chapter looks at the rights of children and young people in relation to some aspects of health and health-care services. The Government's social, economic and environmental policies to promote health for all the Seychelles's children and young people are also addressed in other sections of this report.

A. Health and health services

1. Legislative provisions for health and health services

211. There is a range of legislation governing and providing for health services and standards in Seychelles: the Public Health Act, the Pharmacy Act, the Nurses and Midwives Act, the Medical Practitioners and Dentists Act, and the Mental Treatment Act. Some of this legislation is currently under review in line with the modern challenges facing health service providers, and to better reflect changes in policy on and organization of health services in Seychelles. It is to be noted that the Public Health Act has no provision relating to infant nutrition.

2. Key features of health services in Seychelles

212. Since 1976 the Seychelles has had a policy of universal health, providing care services free of charge at the point of use. In 1995, the Government undertook a detailed review of national health policies and strategies. At the end of the process it reaffirmed the fundamental principle that health is a basic right of all citizens, and the policy that health-care services should be accessible to all Seychellois and provided free of charge at the point of use. Access should be determined on the basis of need and not the ability to pay, while services should be decentralized with emphasis on primary health care. "Health for All" was reaffirmed as a national goal and commitment. Intersectoral action and popular participation were also highlighted as central elements of the strategy towards health for all. The Government's commitment to health is clearly demonstrated by the fact that, in a period of economic stringency and reduction in public spending, the allocation for recurrent expenditure for the Ministry of Health was increased by 6.6 per cent in 1996 over the previous year rising to SR 1,429 (US$ 286) per capita.

213. The importance of maternal and child health are well recognized and emphasized in national health policies and strategies. Programmes aimed at promoting the health of children and women are well established, and their impact is clearly evident in the low maternal and infant mortality rates, virtually universal immunization coverage and low undernutrition. It is also recognized that promotion of maternal and child health requires a multisectoral approach. Close collaboration exists between the health and education sector; the school health programme

being one notable example. Similarly close working relationships exist between health workers and social workers in the decentralized community health services. At central level, a number of inter-ministerial organs exist to review policy and strategy issues and facilitate coordination.

214. Within the Ministry of Health child health services are organized at community level through health centres, small outstations, and the school-based health programme. Within the main Victoria Hospital the paediatric unit provides inpatient and outpatient specialist care. A small Special Care Baby Unit attached to the maternity wards offers neonatal care. Maternity services are provided at the Victoria Hospital and the small community hospitals at Anse Royale, Praslin and La Digue. In the community health centres maternal and child health services are integrated so that a woman with her child can have family planning and immunization services during the same visit. In 1995, a Youth Health Centre was established within the National Youth Centre.

215. Maternal and child health services are coordinated and reviewed by the Family Health Committee, which meets every six weeks. The Director-General for Primary Health Care chairs this committee and its members include health workers in obstetrics, gynaecology, family planning and community health services. There are also representatives from Nutrition and Health Education, the School of Health Studies and the Ministry of Education's Social Education Unit. A paediatrician is strikingly absent, and there is not representation from the public generally or parents specifically.

3. Reducing infant and child mortality (art. 24.2 (a))

216. The reduction in infant mortality over the last two decades has been a major, well-publicized achievement of Seychelles (see annex V). It is recognized that this has been as much the result of investment and progress in areas such as women's education, housing, sanitation and water supply as in the health services. The greater reduction in post-neonatal compared to neonatal mortality is a reflection of success in controlling environmental factors. Having attained an infant mortality rate of 13 per 1,000 live births in 1990, with 18 out of the 21 infant deaths being in the neonatal period, it became clear that further reduction in the rate would require greater investment in perinatal care. This inevitably involves more intensive, and expensive, technology and more specialized personnel. A Special Care Baby Unit was established next to the maternity wards. While not providing full intensive neonatal care, the expertise and facilities available contributed to a further decline in infant mortality, to reach a low of 8.8 per 1,000 live births in 1994. The perinatal mortality rate, which takes into account the stillbirths and early neonatal deaths, stood at 20.0 per 1,000 births in 1995, reaching a low of 8.8 in 1994. Attention has been focused on the infant mortality rate, but concerns over prematurity and issues around delivery and the immediate aftermath suggest that more attention needs to be paid to perinatal mortality.

217. An examination of the pattern of mortality is instructive. Approximately one third of infant deaths occur in the post-neonatal period, and a large number of the neonatal deaths are related to septicaemia and prematurity. The unusually large number of post-neonatal deaths (9 out of 29 infant deaths) included two cases relating to neglect at home, one case of alleged infanticide by the father and one case of dehydration from diarrhoea. No infant has died from dehydration for well over a decade. It is unclear whether the infections in the premature babies

were acquired prenatally or post-natally. A rise in the number of premature births had been observed over previous years, and early labour may be related to illegal attempts at abortion. These cases point to the importance of controlling illegal abortions, better antenatal care, preventing premature labour and the strict control of infection in the neonatal unit. It also increases the demand for a higher level of neonatal intensive care, which would be required to save premature babies. Such a unit is to be established, although in the immediate future it will not seek to provide resuscitation and ventilation of the severely premature.

218. The most common causes of death in children aged between 1 and 5 over the past five years (1991 to 1995) were infections (septicaemia, meningitis and pneumonia) accounting for 11 out of 27 child deaths. Accidental deaths from drowning (four) and road traffic accidents (two) were the second commonest cause. In the same period, among children aged more than five years, the single most common cause of death was accidents, including road traffic accidents and drowning. Among those aged 5-9 years, these causes accounted for 4 out of 11 deaths, and among the 10 to 14-year-olds 9 out of 19 deaths. A similar picture is seen for those aged 15-19 (8 out of 19 deaths). There were also three deaths from poisoning among these older adolescents.

219. In 1994, there were 49 cases of accidental poisoning in children below the age of 15 years, and 88 per cent of these occurred in children below 5 years. The most common substances involved were kerosene, pharmaceutical drugs and insecticides. This reflects the casual attitude towards poisonous substances in the home. Kerosene, for example, is often stored in drink bottles and kept at floor level within easy reach of children.

220. These cases of mortality and morbidity point to the need for a more active programme of prevention of accidents on the road, at home and in recreational water activities, involving different sectors and agencies. While it may seem unsurprising that there are so many drownings in an island State, it is also true that a large proportion of children and adults cannot swim. There is no programme of swimming and life-saving lessons in the school system, and there is little consciousness of risks of accidents on the roads. For example, very few parents use any form of child seat or restraint in cars. It is also a common practice, even for outings organized by the schools, for children to ride in the back of an open truck.

4. Provision of adequate nutritious food (art. 24.2 (c))

221. The policy of the Ministry of Health is to encourage breastfeeding. To this end, staff have been sensitized to the issues, and health education efforts promoting the benefits and nutritional superiority of breastfeeding have been targeted towards women before, during and after pregnancy. Preliminary results from a recent survey carried out among mothers and staff in the maternity unit show that, while breastfeeding is initiated in virtually all cases, 50 per cent of newborns are also offered a bottle within the immediate post-partum period and before discharge from the maternity ward. The promotion of breastfeeding seems not to be carried out as vigorously as the policy demands.

222. There are considerable barriers to the acceptance of breastfeeding within the community. There is a widespread belief that young mothers do not make good breastfeeders and that the quality of their milk is inferior. Older women often give this "advice" to adolescent mothers,

and the negative impact is not only on the immediate well-being of the baby and mother, but also on the long-term attitude and practice of young women. Despite the fact that the promotion of breast milk substitutes is well regulated under a specific regulation (modelled closely on the WHO-UNICEF code) enacted under the Food Act, it is a cultural belief that artificial feeds are more nutritious. Moreover, there is a cultural belief that working women should not breast feed (the milk being considered harmful to the infant), and the commonest reason given in the survey for initiating bottle feeds early was the preparation of the child for the mother's return to work. Maternity leave is currently 12 weeks, but by the sixth week after birth, 80 per cent of infants are on bottle feeds. On the basis of this finding it is argued that an extension of maternity leave would not, in itself, assist in promoting breastfeeding. This is, however, debatable as it is clear that starting bottle feeds early is related to early return to work.

223. Other practices also work as disincentives to mothers breastfeeding. For example, one of the reasons for an unemployed woman receiving additional financial assistance under social services is the purchase of infant feeds. There are no nurseries at places of work that would enable the continuation of breastfeeding during working hours, and it is difficult to purchase breast pumps in order to express milk. Another reason women do not continue to breastfeed is the negative attitude often encountered when breastfeeding outside the home. Mothers often feel intimidated and victimized when feeding in public places. Lack of support and appropriate information both for women who wish to breastfeed and for the wider public also contribute to a negative attitude towards breastfeeding for a longer period.

(a) Children's eating habits

224. Overnutrition is now recognized as a significant problem in Seychelles. Community surveys have consistently shown that the general Seychellois diet is rich in protein (mostly fish), carbohydrates (which includes consumption of carbonated sweetened drinks) and fat, and poor in fibre with low consumption of vegetables. Over one third of adults are considered obese. Cardiovascular diseases are the leading cause of death, and account for over 40 per cent of adult mortality. Specific data on obesity in children are not available and existing data from the health centres do not permit such calculations. Since adult cardiovascular diseases have their beginnings in childhood and adolescence, both in terms of the adoption of unhealthy attitudes and practices and in patho-physiological changes, the promotion of healthy nutritional habits and the prevention of obesity must start as early as possible.

225. The Unit for the Prevention and Control of Cardiovascular Diseases (UPCCD) has undertaken a major project with the school system in which "heart health" education has been integrated into the primary and secondary school programme. This project involves regular sessions run by teachers focusing on healthy diets, physical exercise and the dangers of cigarette smoking. The classroom activities are supplemented by practical activities carried out by the children at school and at home. The UPCCD provides support in the form of attractive workbooks (obtained under a collaborative agreement from the Singapore Ministry of Health) and training of teachers.

226. As with other school health programmes, the positive impact is likely to reach a broader population than the primary target, the child at school. There is evidence to show that the children carry home the messages imparted in school and may have an influence on cooking

practices in the family such as the choice of cooking oil. To maximize such effects, the UPCCD has sought to run parallel health education programmes in the mass media. However, these have been sporadic rather than sustained.

(b) School meals

227. The standards set by Health are in accordance with the Convention and the Ministry of Education should not refuse to introduce compulsory nutritional standards for school meals.

228. All children in school are entitled to free school meals. Good quality school meals are not only an important source of nutrition for children from low-income families; they are also an important nutritional education tool. Improving the nutritional quality of school meals, and making them attractive to children and young people, will be an education and eventually improve the choice of food of good nutritional quality eaten outside the school.

229. In an attempt to reinforce the message within the school system, the Ministry of Health has invited the education authorities to review their school meal service and the school snack shops with the objective of ensuring that the products are consistent with education programmes. The response has been positive and a joint review is currently under way. An important exercise would be the evaluation of the impact of these programmes.

5. Provision of clean drinking water and a safe environment (art. 24.2 (c))

230. These issues are discussed fully in section VII.E.

6. The right to health

(a) The State's role in promoting health (art. 24.1)

231. The role of the State in promoting article 24.1, is complex because it is not only the responsibility of the Ministry of Health. Social, economic and environmental factors all have a major impact on health and government policy and planning in these areas has sometimes failed to acknowledge this. Promoting health also requires the provision of "preventive" health-care services designed to provide health information and identify potential health problems as early as possible offering suitable care and advice. The Ministry of Health in Seychelles is responsible for ensuring the provision of a range of services to meet this need, but in certain areas the standards set by the Convention for preventive health services are not being met fully.

(b) Rights for all (art. 2)

232. The Ministry of Health's mission is that of "Health for All". Health services should be accessible to all Seychellois, and should be based on need and not ability to pay. Article 24.1 and article 2 calls for research to analyse whether there are links between poverty and children's health. Studies in other countries have shown that children living in poor families have higher rates of infant and child mortality than other children and are more likely to be diagnosed as suffering from infectious diseases, slow growth, dental disease, respiratory problems, accidents and behavioural and emotional disorders. Poor housing conditions have also been shown to have

an impact on health. The inadequacy of the physical environment leads to high rates of illness or accidents through, for example, faulty electrical wiring, burns, diseases spread by pests and inadequate sanitation.

(c) Children and young people affected by medical conditions

233. There are many children and young people whose general state of health is affected by long-term medical conditions, for whom extra facilities and services are required if they are to reach their "highest attainable standard of health".

234. Facilities for the treatment of mental illness (art. 24.1). The provision of services for these children and young people is currently inadequate. The reported incidence of children's mental health problems is increasing, and the incidence of depression and attempted suicide in children has risen. In the Seychelles health system there are no specific services addressing mental health in children, and no specialized personnel. Children with emotional or mental health problems are referred to a clinical psychologist or are cared for by general paediatricians or psychiatrists. In general there is a lack of comprehensive data collection concerning the admission of young people to residential psychiatric care, compounded by a lack of appropriate provision for residential psychiatric care and a lack of medical definitions of behavioural and emotional difficulties covering a wide range of conditions. Young people have found themselves in residential care institutions owing to a lack of psychiatric care resources and others have been admitted to adult psychiatric institutions for lack of an alternative.

235. Facilities and care for disabled children and children with developmental problems (arts. 24.1 and 23.3). Disabled children and children with developmental problems should have access to services in "a manner conducive to the child's achieving the fullest possible social integration and individual development ..." (art. 23.3). The ability of disabled children and children with developmental problems to make full use of health-care services is often restricted by physical and social barriers. In recognition of this there are new government guidelines which discuss access for disabled children. It is also recognized that a child with disabilities who has to be admitted to hospital may be more disadvantaged than others and need extra support and services. However, there is little monitoring of the implementation of either of these guidelines and no record of how improvements are being implemented or whether sufficient resources are available.

236. Services for children with disabilities span health, education and social services and it is essential that at senior management and service delivery level services be planned jointly by the competent agencies in coordination with parents and disability groups. But there is often a lack of appropriate services and coordination to achieve this. For example, there are major problems in obtaining specialist services for childhood disability, as resources tend to be concentrated on overall provision aimed at adults. Specialist paediatric services are not available in the community, and the chronic problems of childhood disability which require high-quality multidisciplinary services are not managed through integrated services at the point of delivery. Hampered by the lack of funding and training in all disciplines, there is also a lack of respite care for those caring for disabled children, and sometimes the only place to go is a hospital, which is not suitable.

237. Facilities for intensive specialist care (art. 6). The Government has a duty to ensure to the maximum possible the survival and development of the child. Newborn babies now receive intensive care primarily because they are born prematurely. Evidence suggests, that, because of higher levels of expertise and better resourcing, babies born before 28 weeks' gestation are most likely to survive if they are cared for in specialist neonatal units rather than in units at general hospitals. This issue is discussed under VII.A.3.

238. Facilities and care for those affected by HIV/AIDS (art. 24.1). HIV and AIDS are an increasing threat to children and young people in the Seychelles, with to date one case of a baby who has acquired HIV from her mother during pregnancy or childbirth. In addition to those children and young people who are HIV-positive there are those who are directly affected by the presence of HIV or AIDS in close family members, in particular their parents. Ensuring opportunities for all these children to enjoy the highest attainable standard of health requires specialized support and services. At present there is insufficient support, and a particular shortage of day-care facilities. There is also an increasing need for supplementary care leading to permanent alternative care for children in families affected by HIV/AIDS, but the structures are not, as yet, in place to deal with this.

239. The relatively small numbers of HIV-positive children and the intense academic and media spotlight on them can lead to conflicts about confidentiality and informed consent. Safeguards should be in place to ensure that medical and research interventions are really in the best interest of the child concerned, and are not excessive or intrusive. Children's rights should also be considered in the context of private and alternative therapies connected with HIV. There is little discussion and no guidance on this important issue. Whilst children should have access to the full range of health care available, alternative therapies are usually developed for adults and with adult needs in mind.

240. Facilities and care for asthma sufferers (art. 24.1). The incidence of asthma amongst children and young people has increased rapidly in recent years, and there is evidence that suggests that many of those affected do not have access to appropriate medical treatment for a multitude of reasons. Given the effect of asthma on holistic child development, their opportunities to achieve the highest attainable standard of health may be jeopardized. This situation should be examined and remedied.

B. Health education and preventive health-care services (art. 24.2 (f))

1. Immunization

241. Immunization programmes in the Seychelles have been successful, but there are still some children who consistently miss out. The immunization schedule has been expanded in the past two years to include vaccines against hepatitis B and yellow fever. Recent figures indicate good immunization coverage against key childhood diseases (see annex VI), and the last evaluation (based on health centre records and data) showed very high coverage rates. However, it is also necessary to define the populations that are not being covered. A systematic evaluation of the immunization programme is also necessary in order to confirm the rates reported, and to identify means of reaching those few children not being fully immunized.

2. Health surveillance

242. Over the past five years there has been a perceptible change in the vision of child development. Where previously child-health services were concerned primarily with immunization and the monitoring of physical growth and development, the Ministry of Health has now developed a wider definition of child development to encompass mental and social development. This change has been stimulated in part by the Child Development Study, a research project being conducted jointly by the Ministry of Health and the University of Rochester, United States of America. This study, launched in the late 1980s, aims to define norms for Seychellois children's development, and to determine and measure any possible effects on infant and child development of intrauterine exposure to naturally occurring low levels of methyl mercury from the maternal fish diet. Results so far confirm that Seychellois children develop rapidly physically, whereas cognitive development, while generally comparable to a standard population, needs more attention. This confirms the common belief that, in the home, physical stimulation is well catered for, but that parents are less aware of the importance of mental stimulation.

243. Through the study, the nurses running maternal and child health services have been sensitized to the wider aspects of child development. A number of nurses and programme directors have been training in Rochester, and new diagnostic and assessment scales have been introduced in the programme. Data from the study has generated Seychelles-specific growth curves. With further training and programme development, it is expected that a more holistic and systematic approach to child development services will evolve over the next few years. A child development centre with a multidisciplinary team including paediatrician, psychologist, child education specialist, nurse, social worker and physiotherapist, will be set up for diagnosis, assessment and intervention.

244. At present, there is a degree of frustration on the part of mother and child health (MCH) nurses who are trained in detecting children with late development but have no agency to which to refer the children for further evaluation and intervention. There is also inadequate coordination between the agencies which should facilitate, even with the limited expertise and services available, a more organized service for these children. The proposed centre will enable the entire environment of the child to be considered, and whatever intervention is offered will involve parents, home conditions, education and all aspects of health.

3. The school health service

245. The school-based health programme is operated from community health centres and includes periodic evaluation of children in the second year of crèche. Primary 4, and Secondary 1 and 4. The programme aims to promote health through educational activities and the early detection of abnormalities and illnesses. It is also aimed at reinforcing health-related components of the school programme.

246. As children enter school the school health services are involved in preventive health care. School nurses, where they are appointed, are involved in health promotion and screening children for health problems. School nurses can play an important part in providing a school

health profile as well as carrying out health-care services with children and young people. The school dental programme is run parallel to the school health programme by a different set of operators, with no coordination. While it is no doubt true that they cover different areas, there are important common issues such as nutrition in which the dental health worker and the nurses should collaborate with the teachers to ensure an integrated common programme. Nevertheless, the dental programme has scored important successes in changing attitudes towards dental care and the level of dental caries in children. A survey has recently been completed on children and the results will be available shortly.

247. School nurses can play an important part in supporting disabled children and the teachers. Evidence suggests that some teachers are unaware of the role of the school nurse and - as a results - do not use him/her for information about children with disabilities. There is a need to train school health nurses in order to cater for the special needs of children and young people. These include special skills in communication, sexual health and counselling as well as team-building that will promote work with social and welfare workers, teachers, parents and community leaders. Thus, in principle, there should be close collaboration between health workers and teachers. Unfortunately, the general perception at operational level is that the school health programme belongs to the Ministry of Health and the school merely provides the venue for the health workers to see children.

248. This lack of horizontal integration is also evident between health programmes. The control of intestinal parasites programme is an example of successful integration. This programme, supported by WHO, aims at reducing the rate and intensity of intestinal parasites among schoolchildren, and is run jointly by health workers and teachers. It involves the systematic treatment with a single dose of mebendazole of all schoolchildren, and periodic stool examination in a sample of school children. Only one person is assigned specifically to this programme because it operates through the existing network of health centres and schools.

249. Since its inception in 1993, the prevalence of ascaris infection has been reduced from 17.7 per cent to 3.7 per cent; Trichuris from 53.3 per cent to 21.5 per cent; and hookworm from 6.3 per cent to 1.6 per cent. Similarly impressive reductions in the intensity of infection have been recorded. There has also been a decline in *E. histolytica* and *Giardia*, although the chemotherapy is ineffective against protozoa. This suggests that the health education component of the programme is having an effect in reducing transmission. Of interest also is the fact that there is a parallel reduction in infection in adults. The programme utilizes the rate of infection in pregnant women to monitor the situation in a non-target population. In the same period there has been a 70 per cent reduction in the cumulative prevalence of intestinal infections among pregnant women. A current initiative of the Government to eliminate pit latrines will assist further in the control of intestinal parasites.

4. Health information and support (art. 24.2 (e))

250. There are various government-funded departments and agencies involved in health education in Seychelles. Successful health promotion depends on coordination and multidisciplinary teamwork but at present this approach is not universally followed. Close collaboration and alliances can work on certain projects, but often depends on the people involved and whether they get along and work well together.

251. Much health information is directed at encouraging children and young people to adopt healthy lifestyles, or urging them and their parents or carers to adopt safety measures. However, this information is not always appropriate, and there is often insufficient support available to parents. Children and young people should be involved in the design and implementation of health promotion programmes, which should include issues identified as important by them. Safety information and advice should be drawn up in conjunction with the people whom it is designed to help to ensure that it is useful and relevant to their way of life and to their social and economic circumstances.

252. Health promotion targeting parents should start as early as antenatal visits and continue through post-natal and MCH. There should be provision for education, sensitization and motivation of parents for adequate and appropriate utilization of these services.

5. Family planning education and services (art. 24.2 (f))

253. Appropriate, effective contraceptive and family planning information and sex education is vital to the health of children and young people. Effective, family planning services for parents are vital for the health of their children. But the fact that an estimated 50 per cent of all women attending the antenatal services did not plan their pregnancy, coupled with the high level of teenage pregnancies, suggests that family planning services and advice may be inadequate. At present young women aged 15 to 17 do not have access to contraceptives without parental consent and those under 15 have no access at all.

254. At midyear in 1996, the contraceptive prevalence rate was estimated at 60 per cent, just short of the target of 64 per cent set for 1996. This figure does not take into account the clients who may seek their family planning care from private doctors or who may obtain condoms in the pharmacies. The recently introduced maternal and child health team in Victoria Hospital is aimed at ensuring better follow-up of women discharged after delivery and abortions. Among other things, it is hoped that this programme will prevent subsequent unwanted pregnancies.

255. A recent review of the procedures for surgical sterilization removed all parity and age criteria. All cases have to be considered by a medical board. There has been a decline in the number of sterilizations performed, and the matter should be carefully monitored to ensure that women for whom this is an appropriate method do have access to the service. Male sterilization remains rare.

256. Access to termination of pregnancy operates under the Termination of Pregnancy Act 1994, which allows for termination up to the twelfth week of gestation on health grounds as determined by three medical practitioners. All terminations are carried out in Victoria Hospital. Over the past two years gynaecologists have expressed increasing concern over what they see as an increase in illegal abortions. Actual statistics from the hospital do not indicate an increase in septic abortions, although the figures, averaging 40 cases per year, are alarming enough (see annex VII). Relatively few illegal induced abortions are recorded since not all will present as septic cases, while not all septic abortions are induced.

6. Adolescent reproductive health

257. Current family planning and contraceptive services and facilities do not appear to meet the needs of young people. The Seychelles has a very high rate of teenage pregnancy compared with other countries. In 1995, there were 218 births by girls aged less than 20 years. This represented 13.8 per cent of all births. The situation has changed little since 1990, when the figures were 220 and 13.6 per cent. The age-specific fertility rate (58.4 per 1,000 in 1995 and 61 in 1990 for the 15-19 age group) has not been reduced to the target set for 1996 (<55/1,000). Teenage mothers often have less information and social and economic support available to them than other mothers, and there are few services designed specifically to meet their needs. This may be an important factor in the high rate of infant mortality and small-for-date babies born to these young women. The percentage of adolescent termination of pregnancy cases approved by the board has also increased in recent years (see annex VIII).

258. Pregnancy during adolescence in Seychelles usually entails an interruption, if not a complete termination, of formal schooling. There is awareness of the negative impact such a loss may have on the girl, her child, her family and, ultimately, to the community. The education system is currently reviewing its policy on the continuation of schooling during pregnancy and resumption after delivery, and in the recent past has relaxed the practice of outright expulsion. A national consensus on the support that various sectors need to provide for the girl and her child is required. Both policies and practice must also take into account the responsibilities and needs of the father.

259. The youth health centre was launched in 1995 and is integrated in a national youth centre. Even prior to the centre being established, the programme had been active in working through the educational establishments with the training and deployment of peer educators selected from among the students. The programme aims to mobilize the efforts of young people, and provide them the support to make positive life choices with regard in particular to sexuality and substance abuse. Young persons play an active role in the design and implementation of the programmes. The centre provides a range of services, including counselling to youths in and out of school, and hopes to expand the range of services beyond information, education and basic counselling into areas such as support for adolescent mothers, their babies and partners.

260. There is a concern about the legality of providing contraceptive services to a person below the age of 18 without parental consent, and to a girl under the age of 15 years since it is illegal to have sex with a girl below that age. With the high number of teenagers having babies and abortions, there is clearly a need for improved contraceptive services as part of a strategy for the prevention of pregnancy. There has been a decline in the number of adolescents registered (at midyear) as regular family planning attendees (489 in 1994, 453 in 1995 and 433 in 1996). Most of these regular users are older adolescents. The dilemma is more acute when dealing with those under the age of 15. Health workers may circumvent these difficulties by prescribing on medical grounds, using the argument that it is in line with clinical responsibility to protect the health of the girl. The question of whether they should report such cases to a competent authority remains, since technically the young adolescent is "at risk" of sexual abuse. Recently, a working group has been allocated the task of analysing these and other issues and making recommendations to Government on changes to legislative or administrative measures that will remove the barriers to appropriate reproductive health care.

261. To be effective sex education must start at a very early age. Experience in other countries shows that sex and HIV/AIDS education do not promote earlier or increased sexual activity in young people, a widely held belief in Seychelles which has a powerful effect on government policy towards sex education. In contrast, evidence shows that sex and AIDS education may lead to an increased use of safer sex practices and in some cases to later introduction to sexual activity. Careful training of teachers is required if there is to be good quality sex education about HIV/AIDS. Misunderstanding about the nature and transmission of HIV and AIDS may result in those who are HIV-positive being stigmatized if their condition is known. The open discussion of HIV in the classroom may confuse or distress children, and therefore teachers should be trained and resources made available to ensure that this subject matter is approached sensitively.

262. Opportunities do not exist for the right of children and young people to express their views on any matter concerning them, or for involving children in decisions about their own health care. At present the involvement of children in health surveillance is as passive recipients. Steps should be taken to involve them more actively. Health professionals should be supplying children with comprehensive, comprehensible information as well as involving them in decisions about their own individual health needs.

C. Other health-related provisions in the Convention

1. Care and treatment of illness

263. Children and young people have an independent right to facilities for the treatment of illness and rehabilitation of health. In Seychelles the aim of the health-care services for most children and young people who are ill or need long-term care and support is for them to spend as short a time as possible in hospital. This is in line with article 24.2 (b) and the Convention's emphasis on primary health care and prevention and in line with article 9 on minimum separation of children from their parents. The paediatric ward has 31 beds and records a bed occupancy rate of around 75 per cent. The leading causes of admission to the paediatric unit are gastroenteritis, acute respiratory infections and bronchial asthma, the order of importance varying during the year as would be expected. Surgical patients are also admitted in the same ward. While in terms of numbers the ward manages to cope, the case mix does not permit the optimal organization of nursing care or quality assurance in areas such as infection control.

2. The welfare principle in health-care provision (art. 3.1)

264. Efficient, effective and child-centred services for sick children and young people depend as much on having a clear and consistent strategy for providing services as on having a strategy for delivering them. It is widely accepted that the best possible health care for children and young people involves well coordinated services between hospital, community and general practice. Coordination is important because it can help ensure that children and their families understand the role of the different services involved, know how to make the best use of available services, receive consistent information, and experience continuity of care and services. Those involved in identifying needs, planning provision and delivering children's health services are encouraged to provide a comprehensive, coordinated range of health services for children and young people.

3. The right to be informed and express a view (art. 12)

265. Seychelles law is consistent with article 12 to some extent in relation to children's and young people's independent rights to consent and refuse consent to treatment. In chapter IV of the Constitution a child or minor means an individual who has not attained the age of 18. A similar provision appears in the Children's Act. Implementing article 12 fully means that in assessing a child's competence to be involved in decisions about his/her medical care, the child's views on competence must be considered. Children learn to care for themselves when encouraged to make choices from an early age, but competence develops unevenly depending on children's abilities, experience, confidence, and relationships with their parents. The ability of children to make decisions about their own treatment depends not only on their capacity, but also on how much they are informed and respected by the adults involved. It must also include the right of children to comment on services and if necessary complain about them.

266. There is little information or guidance on how to include the views of children and young people in any aspect of health services relating to them. Research conducted into "consumer" views of care of children in hospital has focused exclusively on parents, with few direct interviews with children themselves.

4. The right to agreed standards of health care (art. 3.3)

267. The National Health Policy states that quality assurance in health requires the use of evaluation and research methods to check on activities and services to see whether they meet standards that have been set. If standards for health care are to be set and maintained, monitoring is crucial. Monitoring of national health-care provision has been on the basis of "inputs"; for example, the number of people seen, the number of treatments given and hours spent in consultation. What is now required is monitoring of "outcomes" including the effects of treatments and interventions. This type of monitoring is more in line with the spirit of the Convention. In designing monitoring systems it is important that there be coordination nationally of both measurement and technique, so that realistic comparisons can be made. This will also allow for careful monitoring of the implementation of the Convention throughout the Seychelles. There is no organized play or systematic education for children on longer-term stays in hospital.

5. The right of children not to be separated from their parents or carers (art. 9)

268. Parents are encouraged to stay with children, although facilities and space are limited. For employed parents and carers there is a statutory right to time off to be with a sick child. The Employment Act provides for leave of absence for 14 days in any 12-month period for the purpose of fulfilling any civic duties as may be approved by the Minister. This covers time off to be with a sick child, if supported by a medical certificate.

D. An adequate standard of living (art. 27)

269. The wording of article 27 makes clear that poverty can no longer be considered as an absolute concept, measured through minimum standards based on biological needs for food, water and shelter. It must take account of the needs of the child relative to standards which are considered to be acceptable within that society.

270. An evaluation of compliance with article 27 requires an analysis of the experience of children which takes as its starting point the interaction between family income, family needs and the fulfilment of all the social rights in the Convention. It must also be considered in the context of article 4.

271. A series of indicators may be used, against which "a standard of living adequate for the child's physical, mental, spiritual, moral and social development" can be tested in the context of that poverty. Each of the indicators represents standards that are embodied in the Convention, and are significant factors in contributing to a child's overall well-being and development. Failure to meet one or all of these standards provides an indication that the child's proper development is likely to be adversely affected. Indicators that are used are as follows:

(a) The ability to afford basic necessities including a diet necessary for healthy development, the cost of fuel and water supply (art. 27.1 and 2, art. 26);

(b) Access to adequate housing (art. 27.3);

(c) Access to health care and to an environment which is not detrimental to health (art. 24);

(d) Access to family life (art. 9);

(e) Freedom from discriminatory factors inhibiting access to an adequate standard of living (art. 2);

(f) An environment in which safe play and recreational opportunities exist (art. 31);

(g) Opportunities to participate in social activities accepted as part of childhood - opportunities for citizenship (art. 27.1).

1. Social security benefits and assistance (art. 26)

272. The social security system in Seychelles is designed to ensure that every member of society is protected against both losses of income and extra needs whether through old age, disability, illness, unemployment or single parenthood. There are a complex range of interrelated benefits, some of which exist to compensate for loss of earnings, some in partial recognition of particular costs such as those associated with disability or children, and others designed to prevent parents and children falling below a minimum prescribed income level

whether in or out of work. Children are specifically targeted through means-tested allowances. In theory the structures exist to provide every child, whether or not the parents are working with an adequate standard of living to ensure their proper development. Annex IX provides an overview of payments under social security from 1991 to 1995.

273. In a report on poverty prepared by the World Bank in 1994 it was suggested that in 1992 an estimated 19 per cent of households were below the basic poverty line of SR 900 per month (1992 prices), with an estimated 7 per cent of households below SR 500 a month. Using the definition of poverty used by the World Bank report one finds that 26 per cent of households were living in poverty. However the validity of these figures has since been questioned, and there is an ongoing attempt to find an agreed definition of poverty in Seychelles, and a proposal for a study to establish whether poverty exists in Seychelles and if so, to what extent.

274. Poverty is not evenly distributed within Seychelles, and there is no estimate as to the numbers of children living in poverty. The suggested growth in the number of households considered to be poor may be attributed to three underlying factors. The most important is the increase in the numbers of unemployed, and particularly in the number of people who are long-term unemployed (defined as out of work for over one year), as it is generally recognized that child poverty is closely linked with both the extent and duration of unemployment. Secondly, there has been an increase in the number of single-parent families, with a correlation between child poverty and single parenthood. Single parents may face considerable difficulties in moving into the labour market because of a combination of low skills resulting in low pay and lack of affordable childcare. They are therefore trapped into continued dependency on benefits, often for many years, with no routes open to them to lift themselves out of poverty. And thirdly, the existence of State benefits and other welfare provision has in general failed to protect many children and their parents from the worst effects of rapid economic and social changes.

2. Ability to afford basic necessities (arts. 27.1 and 26)

(a) Social security benefit levels

275. It is necessary for the Government to take appropriate measures to assist parents and others responsible for the child to implement this right and in case of need provide material assistance and support programmes, particularly with regard to nutrition and clothing (art. 27.3). The social security system in Seychelles is clearly intended to achieve this, but evidence demonstrates that for many children living on benefits the reality is a level of deprivation which denies them the opportunity for proper development which should be their right under article 27.

276. The Government of Seychelles recognizes that the role of social security benefits in protecting family income should not be addressed in isolation from policies which give parents more opportunities to earn adequate incomes through paid employment. The Unemployment Relief Scheme (URS) provides employment for some women. Compliance with article 27 in the context of the obligations imposed by article 4 requires a fundamental examination of the principles which underpin the social security system, and a review of its operation in the context of changing patterns of employment and family life.

(b) Children with disabilities

277. Provision of benefits to disabled children and their families need to be considered in the light of the obligations of articles 2 and 23. in Seychelles the State provides carers for persons with severe disabilities and persons with disabilities receive assistance and equipment/aids free of charge.

278. Parents with disabled children play an important role in maintaining their home life and sending their children to school; this should be encouraged. Through efforts made by the National Council for the Disabled and Parents of the Disabled Association of Seychelles, parents with disabled children have come to increase their role in providing daily living skills to their children at home. This should also be encouraged. If the Government is to continue providing equipment and mobility aids free of charge to disabled children, this could be handled by the National Council for the Disabled, in collaboration with the Rehabilitation Centre through the Division of Social Affairs in the Ministry.

(c) Social security and invalidity benefits

279. The State provides an invalidity benefit to those referred by the Medical Board, and provides income support to persons who, owing to disability or disability-related factors, have been put, temporarily or permanently, out of work. The State ensures the provision of income support to individuals (carers) who undertake the care of a person with a disability. But it should be noted that a mother does not receive any social benefits while her disabled child is under the age of 15. The cost of special meals, diapers, creams, etc. is borne by the parent if they can afford it.

280. The quality of life of disabled children is obviously heavily influenced by their family's level of income, but also of critical importance is the range of support services available to them and their families. Assistance with transport and its associated costs, the availability of integrated play and social activities, physical access to buildings, respite care and help with aids and adaptations to the home are all essential components of the support necessary to ensure that disabled children are not denied the same opportunities as other children to achieve a standard of living necessary for their development.

281. The ability to assess compliance with articles 23 and 27 in respect of disabled children requires research into the experience of disabled children and their families of the quality and availability of help and support offered. Without this research, it is not possible to evaluate whether the provision that is now available is adequate to ensure compliance with the rights of disabled children to an adequate standard of living that ensures their active participation in the community.

(d) 16- and 17-year-olds and income support

282. Every young person who is not at school or able to find employment is absorbed by a youth training scheme and given a training allowance (see section IX.B). Many young people, for example those with special needs, young pregnant women and those with emotional and behavioural difficulties, are not able to take advantage of schemes that are available because the

schemes are not tailored to their particular circumstances. These young people are left without an income of any kind, in clear breach of article 26. Many of them are unsupported by their families, and do not have an adequate standard of living.

283. In Seychelles young people remain at home until such time as they set up their own home. For many young people their parents cannot afford to keep them at home if they have no income with which to support themselves. There is no provision for young people to leave home and be independent unless they are moving to live with somebody. Young single persons have no priority for a house or flat unless they have a child. Anecdotal evidence from organizations working with young people indicates that many young people who need help are not getting it. Problems range from a lack of information, misleading advice from officials, the complexity of the system, societal attitudes, and the lack of advocacy available. This situation raises fundamental questions as to whether the Government can be said to be achieving the right embodied in article 26.

284. Current government policy for 16- and 17-year-olds fails to achieve a standard of living adequate for property development. It is commonly presented that the young unemployed are those who are too "choosy", who would not take a job considered to be below their expectation. Notwithstanding, it can be argued that many young people are without income at all. Those that have some income may find that it is so low that they cannot afford to leave home, falling maybe into debt, petty crime, or commercial sexual exploitation.

(e) Maintenance of children

285. The Children's Act 1982 gives power to social services to be responsible for the collection and pursuit of maintenance. The principle of encouraging parental responsibility for children is clearly consistent with article 27, and there is concern at the numbers of absent parents who are not paying maintenance despite legislation.

286. At present a large number of putative fathers do not take their responsibilities for maintaining their children seriously. This is illustrated by the high percentage of female-headed households receiving welfare assistance. The procedure to compel a father to maintain a child is currently long and often humiliating to the mother. This discourages many women from pursuing the issue of maintenance. It is also worth noting that the courts do not enforce the laws vigorously, and contempt of court is not invoked even when the putative father repeatedly fails to turn up to court.

3. Access to adequate housing (art. 27.1 and 3)

287. Access to adequate housing is a prerequisite for the healthy development of a child. Without it, a child's right of access to education, health and health care and social development are at risk of being seriously undermined. Seychelles' Constitution guarantees "the right of every citizen to adequate and decent shelter conducive to health and well-being and undertakes either directly through or with the cooperation of public and private organizations to facilitate the effective realization of this right" (art. 34). In the last decade there has been a clear government policy on housing which recognizes the need to address housing within a wider social context than merely the provision of physical shelter. It recognizes, among other things, the need to

provide a suitable environment for the physical, emotional and social development of children, the empowering of women and the needs of equitable access to acceptable housing conditions directed towards increasing home ownership coupled with improvement in the provision of low-cost accommodation.

288. Government has assisted housing development as part of the strategy. But although considerable achievements have been recorded in the housing sector, Government cannot meet the demand on its own. Consequently, the new approach is to assist with favourable loans, to build houses, and to provide land and infrastructure. Over the past four years a total of 1,410 housing units have been built by or with funding from the Seychelles Housing Development Corporation. The plan is to build 5,000 units over the next five years. Government has also introduced incentives to the private sector resulting in increased activity in construction of houses by that sector. This was made possible by incentives introduced by Government.

289. There is also a move to encourage house financing through private savings rather than public funds. In line with this the Seychelles Housing Development Corporation increased its lending rates from 1 per cent, 3 per cent and 6 per cent in 1994 (depending on income) to 3 per cent, 5 per cent and 9 per cent in 1995. It is reported that the problem of arrears on loan repayments has grown significantly during the 1990's. The unemployed receive income support to help with housing loan repayments and rent, but many low-income working families faced with increased interest repayments have found great difficulties in coping with an already stretched budget.

290. Housing standards (art. 27.3). The quality of houses in Seychelles is considered to be high, providing the necessary facilities that enhance good family life. Most are adequate for current family sizes, allow for the necessary privacy for family members including growing children and adolescents, and have adequate land for a small home garden. Access to housing is based on needs as determined by the Ministry of Community Development in consultation with local government. The number of children in the family is one of the criteria used in the selection process.

291. Substandard housing estates have been demolished and occupants re-housed. There are no accurate figures available in Seychelles to indicate how many children are living in homes which are in poor condition, but it is evident that there are significant numbers living in poorly maintained, overcrowded accommodation. The problem of overcrowding is of concern in Seychelles as it has significant implications for children. Children living in these circumstances are not being provided with the "conditions of living necessary for their development" as required in article 27.2, nor are their best interests being considered (art. 3).

4. Diet

292. Nutritional surveillance among children below the age of 5 years has been routinely carried out for the past two decades. Undernutrition, defined as below 80 per cent of standard weight for age attainment, declined markedly from 26.4 per cent of under-5 children to 7.8 per cent between 1974 and 1984. Since then, the decline has been much smaller. In 1994, 6.4 per cent of children attending the health centres were malnourished by this

definition, but it is likely that the measure is an overestimate. A more thorough investigation and analysis would permit a better definition of the real rates and types of malnutrition, as well as identifying the groups involved.

5. Access to a clean water supply

293. The ability to afford to pay for a water supply and the right of access to that supply are a prerequisite for the achievement of a standard of living adequate for a child's healthy development. Article 24.2 (c) imposes on Governments the obligation to combat disease and malnutrition through the provision of adequate nutritious foods and drinking water. Access to a clean water supply has been largely taken for granted in Seychelles. In 1994, 83 per cent of the population had access to treated water as compared to 69 per cent in 1987. The diseases associated with lack of sanitation and contaminated water have been virtually eliminated. An increase in water charges was accompanied by a more rigorous policy of debt recovery on the part of the water company PUC, but the water tariffs are considered to be affordable.

6. Access to family life (art. 7 and 9)

294. International research has shown a demonstrable link between material deprivation and the likelihood of a child not being cared for at home but taken into public care. The extent to which poverty and social problems influence the likelihood of a child ending in public care in Seychelles requires further investigation. However examination of the reasons why children come into public care suggests that material deprivation, housing and other social problems play a significant role. This situation raises the question of whether current government policies are adequately promoting children's rights to family life. Clearly public care in itself is a necessary resource for children unable to live with their families. However, for many children it implies the loss of many rights embodied in the Convention. Residential and foster care should therefore be seen as a last resort for those vulnerable children who are not adequately looked after by their families. Approximately 109 children are currently in care, and it is likely that a significant proportion could have remained at home had the necessary material and social support been available.

295. It is not only poverty but also lack of social support that increases the likelihood of children needing to be looked after away from home. The Seychelles Government recognizes the need for support for families, and child welfare services have been developed to meet a variety of family-related problems. The Ministry of Employment and Social Affairs has portfolio responsibility for child welfare services, which provide support to families so that the children can enjoy a suitable and stable environment for their physical, emotional and social development.

296. There is also growing concern that the family itself is disintegrating as a unit and primary provider of care and protection. Many families now find that they cannot cope with their responsibilities without outside support. Yet it is recognized that the levels of funding to provide effective parental support are inadequate and that as a result, social services are approaching the definition of "in need" in a minimalist way, restricting access to services to those children at risk of harm. There are plans for a Family Centre to strengthen and empower families so that they can better care and protect their members.

7. Opportunities to play in a safe environment (art. 31)

297. It is widely acknowledged that recreational activity plays an important part in children's development. However, for some children, the combined effects of low income, poor housing and a neglected environment mean that opportunities for safe play are heavily restricted. Their standard of living is insufficient to provide the necessary opportunities for social development that play offers. Many families living in poverty are also living in environments that lack play facilities, or even safe play areas. Parents are faced with the choice of restricting children to the home - itself often overcrowded - or letting them play unsupervised in the locality with all the associated risks. Thus, the same children who lack the resources to pay for any social activity are also often deprived of opportunities for safe play in their immediate environment.

298. Children from poor families are far more likely to suffer from accidents. Overcrowding increases the risks of children being within reach of fires, knives and dangerous substances such as bleach. Poor parents are less likely to be able to afford stair gates or playpens. Accidental poisoning in children is also a common cause of death, with 88 per cent of the 49 cases recorded in 1994 occurring in children below 5 years. There are limited areas offering opportunities for safe play, and children play on the streets where they are at risk from traffic. Children are also sometimes left on their own in the house whilst family members go to work. Figures from the Ministry of Health show that accidental deaths from drowning and road accidents are the second commonest cause of death amongst children aged 1-5 years. These issues are discussed further in sections VII. E and VIII. E below.

8. The opportunity to participate in society

299. As central to children's well-being as the material provision of housing, clothing and an adequate diet is the right to participate in social activities, which contribute to the right of citizenship. The Convention as a whole recognizes children's rights to social and civil citizenship. Yet one of the most powerful messages that emerges from the poverty issue is the experience of exclusion, and the lack of choice and isolation which it imposes. The Convention, both in the preamble and in articles 18.2 and 27.3, makes explicit that, whilst the primary responsibility for childbearing rests with parents, the State has a duty to support parents in that role. The Seychelles Government has invested considerably in legislative policies and programmes in fulfilling its obligation. There is an implicit view, at government level and among the general public, that the poor are to be blamed for their poverty.

300. This view seeks to construct a close link in the public mind between claiming benefits and abuse, representing an attempt, whether deliberate or otherwise, to link poverty and dependency on State benefits with laziness, dishonesty and an unwillingness to accept one's responsibilities. One-parent families have been particularly singled out for criticism in this area. Another popular view is that the poor are poor, not because of lack of jobs or opportunities, but because of their unwillingness to work or train, their irresponsibility and disassociation from the mainstream culture and values of our society.

301. The physical exclusion from participation forced on poor children by their poverty is compounded by social exclusion created by social attitudes of condemnation and blame. Such exclusion is inimical to the promotion of the child's development necessary for compliance with

article 27, runs counter to the anti-discrimination requirement in article 2, and indeed breaches the spirit of the Convention as a whole. Children have a right to participate as members of society and government policy needs to be rooted in a fundamental commitment to the active promotion of that right.

E. The environment

302. Physical surroundings have a major impact on the health and development of children who are significantly affected by housing policy, access to public facilities and services, physical planning, transport policies and environmental pollution. "Environment" is used here to describe a wide range of features in the physical surroundings of children, including their home environment, the built environment and the wider, open environment.

303. The Seychelles Constitution guarantees every citizen the right to a clean, healthy and ecologically balanced environment (art. 38). While primary responsibility for policy relating to the physical environment in which children and young people live lies with the Division of the Environment (DOE), the Ministry of Community Development, the Ministry of Local Government, Youth and Sport and the Department of Transport also have a crucial role.

304. The main elements of Government's policy and strategy on environment in relation to children are: the responsibility and commitment to ensure a safe and healthy environment in which children will live, grow and prosper; the responsibility to ensure that the environment is protected, maintained and enhanced for the children of today and tomorrow; and the responsibility to ensure that children acquire and develop the attitudes, knowledge and skills that will enhance their role as protectors of the environment.

305. Considerable effort has been made by Government to implement these policies, including the enactment of the Environment Protection Act in 1994, the setting up of a special agency (Solid Waste and Cleaning Agency, "SWAC") for the management of wastes and general cleaning, and the establishment of the Marine Parks Authority for the development of marine parks. The Division of Environment carries out public education on conservation and environmental issues, and Government continues to make provision and policies to motivate the youth in the continued protection and enhancement of our environment.

306. Seychelles participated in the Earth Summit in Brazil, and Government made a commitment to implement Agenda 21 by adopting "national sustainability strategies", increasing the participation of children and young people in matters of environmental policy, and producing periodic national implementation reports.

1. Consultation and participation (art. 12)

307. Agenda 21 stresses the importance of involving children and young people in discussing environmental policy. Governments should take measures to establish procedures allowing for consultation and possible participation of youth of both genders, by 1993, in decision-making processes with regard to the environment, involving youth at local, national and regional levels, in line with article 12.

308. In Seychelles, apart from classroom activities, children are encouraged to take an active part in extracurricular environmental activities organized through environment clubs and in campaigns at district and national level. These are organized around specific events, such as World Environment Day and Clean-Up the World campaigns. Activities include tree-planting, nature studies, clean-up campaigns, and art and science competitions. There are a number of regular publications on environment issues, including a newsletter published by the Ministry of Foreign Affairs, Planning and Environment. Two children and a teacher attended the International Children's Conference in England in October 1995.

309. Interest in the environment among schoolchildren is reflected in the fact that in 1995, there were 20 schools with active environment clubs. Despite the considerable interest shown in Seychelles by children and young people in environmental issues, there are few opportunities for them to be actively involved in planning and policy formulation. Article 12 is about ownership of ideas and plans. If participation is authentic and opinions are genuinely listened to, then children and young people are more likely to respect and use services and resources.

310. There is widespread evidence of the lack of environmental awareness among children and adults, for example, with regard to the disposal of litter. It would appear that activities are mobilizing groups of children who are already interested, while leaving large groups uninvolved. It is only through a sustained and consistent programme that wider interests and commitment among children will develop. Unfortunately there seems to be a lack of coordination and communication/information within and between ministries, NGOs and other affiliated agencies, resulting in the overlapping of responsibilities. Improved consultation and coordination are required.

2. Education (art. 29.1 (e))

311. The school system has a very ambitious programme of environmental education. Its objective is to sensitize children about local environment issues and promote the development of knowledge, attitudes, values and skills which will enable them to improve their quality of life as well as the quality of their environment. The Ministry of Environment also hopes to promote sustainable development and the conservation of the environment through such a sensitization process.

312. There are as yet no specific lessons dedicated to environment in the classroom. Environmental education is integrated into various subjects, and a number of teaching guides and materials have been developed by the Ministry of Education. Unfortunately, despite the clear interest at policy-making level, the quality and quantity of classroom and extracurricular activities depend on the enthusiasm and good will of individual teachers. A recent announcement by the Minister of Education on the strengthening of a dedicated environmental education unit within the Ministry will, it is hoped, give new vigour to the programme. Efforts are also made by other organizations, including the Ministries of Local Government, Environment and Social Affairs, and the District Administrations and SWAC to sensitize the general public and mobilize them for participation.

313. It is a disturbing fact that environmental issues are generally seen as Government's concern. Apart from a few informal conservation groups and limited mass participation in occasional national clean-up campaigns, there is little evidence of the general population becoming more environment conscious. The notion of maintaining a healthy environment beyond the confines of the home is not widespread. The concept that the current generations are the custodians of the environment for future generations is, in the main, an alien idea. Moreover, the "education" a child receives at home is most likely to conflict with what he/she receives at school.

3. The accessibility of public places

314. Despite clear recognition of the need to create environments around houses that are conducive to health and safety and the development of a community spirit, the growth in housing as described above has not been matched by adequate attention to such issues as access to community facilities and proper disposal of solid wastes. In many housing estates there are inadequate facilities for recreational activities and safe places for children to play. There is a danger of housing estates, despite having adequate physical structures, deteriorating into areas of social conflict and neglect if attention is not paid urgently to these issues.

315. In the Seychelles the Building and Physical Planning Regulations do not ensure access to and provision of certain facilities for children and people with disabilities. There is no provision of access for pushchairs or wheelchairs and there are numerous examples of public buildings which are not designed to meet the needs of children and their carers. Planning regulations make no specific reference to children's needs. For example there are no legal requirements to provide playgrounds, safe play areas or out-of-school care facilities.

316. For many children, their local environment is increasingly inaccessible to them as an area with opportunities for safe play. Children under 10 usually play within a few hundred yards of their homes. Even if children live in houses with their own gardens, they often choose to play in more public areas and in some communities this means the streets. The close proximity of housing estates to busy main roads, without the timely erection of safety barriers and traffic control, led to the death of a child from a road accident in1996.

317. All these restrictions on the activities of children and young people can inhibit their growing independence as well as their physical activities. If articles 3.2 and 31 are to be fully implemented and children are to benefit from their rights to protection, health, development and leisure, the Government must devise strategies to enable children and young people to enjoy and play in the surroundings in which they live, with minimum fear of danger. Suitable facilities are often particularly limited for children with disabilities. Building regulations should require new public buildings to have some provision for access and sanitary facilities for people with mobility, sight or hearing difficulties.

4. Safety of public places (arts. 3.2 and 24.2 (e))

318. Most accidents to children and young people outside the home happen during play and leisure activities. Accidents are the largest single cause of death for children aged 1-14, and after road accidents and poisoning, drowning is the third most common cause of accidental death in

children in Seychelles. Accidents in play areas may still happen due to poorly designed equipment, poor siting and layout, inadequate maintenance, incorrect installation, lack of age-appropriate facilities and inappropriate use of equipment.

319. Government needs to focus on educating the public to adopt safer behaviour, to introduce legislation and policy to remove the causes of accidents, or to ensure that parents and carers have sufficient resources to make their homes and neighbourhoods safer. In failing to develop specific policies aimed at reducing accidents amongst high-risk groups of children and young people, the Government is failing in its duties under articles 3.2, 6.2, 24 2 (a) and 2.

5. Transport and transport policies

(a) Independence and mobility (arts. 3.1 and 6.2)

320. The opportunity to gain independence during childhood is an important aspect of the maturation of children, and becoming independently mobile is an important element in this. If the Government's responsibility under article 6.2 is to be implemented fully, planning and transport policy should endeavour to continually improve the independent mobility needs of children and young people.

321. For most families transport and mobility are crucial parts of their daily lives, and important for the development of their children. For well-off families, a car ensures this freedom. In order to ensure that all families have access to transport, public transport systems must be accessible and flexible enough to better provide for the transportation needs of those families least likely to have their own cars. However, using public transport in the Seychelles is often inconvenient and stressful for adults transporting small children as the buses do not cater for adults travelling with young children.

322. Mobility is fundamental to the pursuit of most activities and for those with disabilities it is a major factor in their ability to acquire any level of independence. Public transport is largely inaccessible to disabled children. At present buses do not accommodate their needs adequately, and there is no legal obligation on the providers of services to address this issue. If article 23 is to be fully implemented provision of adequate, appropriate transportation is essential.

(b) Safety on the roads (arts. 3.2 and 6)

323. Road accidents are one of the main causes of accidental death to school-age children in the Seychelles. Whilst the Government cannot be expected to take responsibility for eliminating this threat to children and young people, it does have a duty to fulfil. Policies adopted by the Government to help reduce road accidents to children and young people should include enforcement of existing legislation, and the introduction of child car seat and seat belt legislation.

6. Pollution and health (art. 24.2 (c))

324. Extra vigilance is required if articles 3.2 and 24.1 are to be fully implemented in the Seychelles. While 83 per cent of the population receive piped treated water, there is wide

variation according to district. Baie Lazare in South Mahe has only 44 per cent coverage whereas St. Louis in central Mahe has a coverage rate of 95 per cent. South Mahe is also more severely affected by water shortage in the drier months and the population may resort to collecting water from streams during those periods. The persistently higher prevalence of water-borne intestinal infections (*E. histolytica* and *Giardia*), especially among children, confirms the poorer water quality in the area.

325. The uncontrolled keeping of domestic pets, mainly dogs and cats, some of which become strays, presents an increasingly common problem. Stray dogs present not only a nuisance but also a risk to public sanitation and safety. The rearing of pigs close to houses, a long-established tradition, is slowly changing but is still a source of environmental pollution in certain areas. Infestation with rats is a consistent problem in the domestic environment, with the attendant risk of leptospirosis. This rat-borne infection has a significant mortality rate, and appears to be increasing in incidence in the adult population. Interestingly, there are very few reported cases of children with the disease. Mosquito-borne diseases such as dengue and epidemic encephalitis are also a major threat, in view of the widespread presence of mosquitoes in all residential areas, and the vulnerability of Seychelles to the importation of these infections from neighbouring countries. Legislation has been introduced to minimize the effect of the above hazards; however, their enforcement leaves a lot to be desired.

326. The most common domestic fuel is kerosene, with wood and charcoal now seldom used. This trend, combined with generally well-ventilated houses, has reduced indoor pollution. However a number of hazards are well recognized in many homes. The widespread use of kerosene and the common habit of storing it in bottles in easily accessible places lead to accidental poisoning of young children. Household and garden chemicals, as well as prescribed drugs, are also often stored carelessly with similar results.

327. Until the recent enactment of the Pesticides Act, 1996, there was little control over the importation, storage and use of pesticides. Cases of occupational exposure and a number of incidents of spillage, small in scale but with a highly visible and publicized impact on fresh water fish, drew attention to the problems. While the Act is aimed primarily at industrial pesticide use the wide publicity and training in the proper management of pesticides will hopefully also have a positive impact on safety in the home.

328. Environmental pollution with toxic materials is rare as there are few manufacturing industries in Seychelles. However, the disposal of waste materials, including vehicle frames, used tyres and lead batteries, as well as domestic wastes such as glass and plastic containers, pose particular challenges to a small island country. In addition, the fast pace of construction, both in the domestic housing and commercial sectors, places pressure on the land and increases the need for building materials such as rocks and sand. The threat of degradation of the environment has to be carefully managed.

329. Protecting children and young people from the dangers of environmental pollution, as required by articles 3.2 and 24.2 (c), is only possible if current monitoring of levels and effects on children and young people are improved. Monitoring networks could include facilities at

schools that enable the school community, especially children, to be involved. The main problems include the lack of adequate information to determine "safe" levels of intake/exposure for children and young people and methods of determining actual levels of intake/exposure.

330. A study in conjunction with Rochester University (United States of America) has examined the level of mercury in fish and has concluded that the level of mercury present in fish, and therefore children's diets, is indeed safe (see sect. VII.B.2). Besides this study there has as yet been no other action by the Government to clarify risks to children of environmental pollutants, for example of lead and pesticides residues.

F. Concluding remarks and recommendations

331. The achievements of Seychelles in the area of health care and promotion are generally accepted, and the priority given to children is evident in the Maternal and Child Health Service and other programmes. The following recommendations refer to particular action required if Seychelles is to improve its compliance with the Convention on the Rights of the Child.

Health

332. Compliance with article 3.1 requires that:

(a) In meeting the needs of chronically ill children and young people, a key worker be appointed for each child, responsible for ensuring coordination of services;

(b) When plans to reorganize services are being drawn up, a primary consideration must always be the best interests of the affected child and the potential effects on his/her health rights.

333. Compliance with article 3.2 requires that:

(a) Research be undertaken into the reasons why pregnant women, parents, children and young people continue to smoke, and used as a basis for anti-smoking campaigns, with input from children and young people;

(b) Public education on prevention of substance abuse be intensified;

(c) There be stricter enforcement of laws relating to the sale of cigarettes to children and young people;

(d) There be a complete ban on advertising of all tobacco products.

334. Compliance with article 3.3 requires that:

(a) Providers of health services be obliged to provide care, services and facilities which meet agreed, basis standards;

(b) All staff involved in the care and treatment of children and young people know what agreements and standards for best practice exist;

(c) A quality-assurance body be set up to monitor and evaluate the care and quality of life of children and young people, to ensure that the best possible treatment is being offered and that children and their parents are able to make informed choices as to the type of treatment they require.

335. Compliance with article 9 requires that a broad range of adequately resourced family support services be offered by social services and other agencies and that the resource implications this entails be acknowledged by the Government in its allocation of funding to social services.

336. Compliance with article 12 requires that:

(a) The principle that children have a right to state their views and have them taken seriously, and to be heard in any judicial or administrative proceedings concerning them be built into health legislation;

(b) A review of complaints procedures be undertaken to look specifically at the avenues for complaints open to children and young people and new guidelines drawn up as appropriate;

(c) Children be encouraged to express their views and participate fully in their own health care, in partnership with parents/teachers, etc.

337. Compliance with article 24 requires that Government:

(a) Monitor current changes in the structure of the health service to ensure that access to services for all children and young people is guaranteed;

(b) Commission necessary research to determine causes of perinatal mortality and premature births;

(c) Introduce a more intensive programme for prevention of accidents on the road, at home and in recreational activities;

(d) Immediately enforce the law on the wearing of seat belts;

(e) Introduce swimming and life-saving lessons for children and teachers;

(f) Establish a specialized baby care unit as soon as possible;

(g) Investigate any suspected cases of abuse and/or neglect;

(h) Investigate each case of poisoning of a child.

338. Compliance with article 24 requires that:

(a) The quality of school meals be evaluated and monitored by nutritionists from the Ministry of Health;

(b) Research on the needs of different economic cultural and religious groups be conducted to guide health service delivery;

(c) A Child Development Centre be set up as soon as possible;

(d) Services for adolescents be expanded and decentralized to include more action at operational level.

339. Compliance with articles 24.2 (c) and 27.3 requires that:

(a) Government activity promote breastfeeding and provide active support for mothers who breastfeed;

(b) Planning requirements ensure that all new public buildings provide suitable facilities for breastfeeding mothers; guidelines should be issued by the Department of the Environment to encourage those managing existing public buildings to make suitable provision;

(c) A national working group be set up to implement action to increase the proportion of infants who are breastfed at birth and at six weeks;

(d) Surveillance and research be conducted to identify forms of malnourishment in children, and guide appropriate interventions;

(e) Legislation be amended to ensure that school meals of agreed nutritional standards are available in all schools for children and young people who want them.

340. Compliance with article 24.1 requires that:

(a) The practice of placing young people in adult or non-psychiatric institutional care because of insufficient psychiatric resources be addressed;

(b) Residential care and treatment for children and young people with mental health problems be provided;

(c) Nurses working in paediatric wards be trained in basic mental health issues;

(d) A playroom, with toys and books, be provided in paediatric wards;

(e) An educational support programme for parents with mentally ill children be established, promoting peer support;

(f) An information system relating to mental health and young people be established.

341. Compliance with articles 23 and 24.1 requires that:

(a) The principle of integrated services for disabled children be built into health legislation and reflected in training and service provision;

(b) Information about services be made available in a way that is relevant and useful to disabled children and young people;

(c) Facilities be extended to meet the needs identified.

342. Compliance with articles 6 and 24.1 requires that babies needing specialized treatment have access to appropriately staffed and equipped intensive care units.

343. Compliance with article 24.2 (f) requires that:

(a) The important role of the school health service in providing a range of preventive health-care services be recognized and supported by the Government;

(b) Training of all professionals involved in child health ensure that they enforce the principle of involving children in their own health and health care from an early age;

(c) Health education be provided for parents on parenting skills and child development;

(d) An effective surveillance programme be set up to monitor and evaluate child health care in all its aspects.

344. Compliance with article 24.1 with respect to children and young people affected by HIV/AIDS or who are HIV positive, requires that:

(a) Consultation with children and young people from all sectors of the community take place throughout service planning and development;

(b) Integrated family services such as family clinics be developed to support these children and greater resources must be devoted to meeting the increasing need for supplementary care leading to permanent alternative care for children in the affected families.

345. Compliance with article 24.2 (f) requires that:

(a) Sex education in schools be available to all children and young people and, taught at an appropriate age, and in a manner sensitive to their needs;

(b) HIV/AIDS and other sexually transmitted diseases be included as a key component of sexual health education;

(c) Confidential consultations be available through contraceptive services for young people;

(d) The views of young people be a major factor in the design of services;

(e) Research be carried out into why young people continue to practise unsafe sex in spite of the known health risks.

Welfare

346. Compliance with article 9 requires that a safe house be established for women and children who are in distress.

347. Compliance with article 26 requires that a definition of poverty be established for the Seychelles, with appropriate indicators, and that the benefits system is adjusted accordingly.

348. Compliance with articles 26 and 27 requires that procedures adopted by the Social Security Fund be upgraded to provide disabled children who are bedridden with automatic invalidity benefits, and that the Medical Board Provision should exist for disabled children who are under 15 years of age.

349. Compliance with article 27 requires that the various schemes encouraging employment for 16- and 17-year-olds should be reviewed and enlarged and young people encouraged to join them where relevant.

350. Compliance with article 27.3 requires that:

(a) Housing standards be reviewed;

(b) Parents with disabled children be provided with ground-floor flats or houses;

(c) A survey be compiled to identify families living in overcrowded houses.

351. Compliance with article 27 requires that:

(a) The right to an income which enables young people to have access to accommodation be ensured;

(b) Advice and practical help from housing authorities or other agencies about different housing options and sustaining independent living be provided;

(c) Investment in the development of a range of affordable accommodation which offers opportunities for both supported and independent living be maintained;

(d) Housing legislation and standards which reflect the needs of children and young people be established;

(e) Authorities responsible for housing continue to build new family housing;

(f) Housing regulations ensure wide-ranging safety design features for low-cost social housing.

352. Compliance with articles 3.2, 6 and 24.2 (e) requires that:

(a) Home safety become a statutory function of the Seychelles Housing Corporation (SHDC), funded by central Government, to actively promote home safety issues, including those relating specifically to children;

(b) National child safety guidelines for accommodation be established to set enforceable standards;

(c) Families with low incomes be able to obtain financial assistance to ensure safety equipment is installed in their homes and that dangerous equipment be replaced.

353. Compliance with article 18.2 requires that:

(a) Planning regulations be amended to ensure that new buildings include safety features and access and facilities for children in prams and pushchairs as well as for children with disabilities;

(b) Where possible, these features should also be incorporated into existing buildings through rolling programmes, in consultation with children through their representative organizations.

354. Compliance with article 26 requires that a study be undertaken to assess whether young people are achieving a standard of living adequate for their proper development. A study is already envisaged.

Environment

355. Compliance with articles 3.2 and 6 requires that:

(a) Safety on the roads be enhanced by the widespread introduction of traffic abatement measures;

(b) Road safety education be introduced in the schools, since it is accepted that children themselves have been the cause of accidents owing to the way they conduct themselves on the road;

(c) Education campaigns about the risks of speeding and driving under the influence of alcohol be intensified and greater penalties for drivers breaking speed restrictions introduced.

(d) Consideration be given to legislation which places a legal liability on drivers to prove they were not negligent when pedestrians or cyclists are knocked down by motor vehicles in residential areas of "home zones".

356. Compliance with articles 3.2, 24.1 and 24.2 requires that:

(a) The foods most frequently eaten by children and infants be identified and quantified to ensure that precise information is available about potential intakes of toxic substances;

(b) Comprehensive samples establish the levels of toxic chemicals in these foods.

357. Compliance with article 3.2 requires that:

(a) Targets be set for accident reduction in Seychelles;

(b) Accident prevention programmes ensure that they meet the needs and circumstances of different groups, including effective, legally enforceable rules.

358. Compliance with articles 6.2 and 23 require that the Transport Division, in conjunction with the Ministry of Community Development, develop a coordinated transport policy which takes account of the needs of children and young people as well as adults.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

1. Characteristics of the education system

359. Education and the operation of schools in Seychelles is governed by the Education Act. Under this Act education is free to all students and is compulsory for all children up to the age of 16. A stable population with a minimal growth rate (about 1.1 per cent) during the period 1985 to 2000 required limited expansion of the 50 schools, catering for about 21,000 pupils (crèche-polytechnic). There are generally low pupil-to-teacher ratios (crèche 18:1; primary 17:1; secondary 15:1; polytechnic 10:1) and an average class size of 28 in the primary and secondary schools. Only about 12 per cent of teachers are untrained and a similar number of expatriates teach mainly in the upper secondary and polytechnic. A unique non-compulsory year is provided in a residential school, the National Youth Service (NYS), providing academic, vocational, social and community training. Disabled children who cannot attend regular schools are catered for by a specialist institution, the School for the Exceptional Child (see tables 8 and 9 for further details).

360. The core curriculum during the compulsory cycle includes languages (English, French and Kreol), mathematics, science, humanities, art, craft, religion, physical education, family life and social education. Students are channelled into academic and applied studies in the fourth year of secondary school, following earlier pre-vocational awareness and counselling, leading to specialized applied vocational skills training at the upper secondary level and polytechnic. There is automatic promotion for 10 years of compulsory education, but with up to 10 per cent dropping out from schooling in the later years.

361. Day care is non-compulsory education for the very young, aged from three months to three years and four months. It is a licensed, fee-paying and privately operated enterprise catering for the needs of working families. It facilitates women's socio-economic integration into society and enables women to assume their rightful place in society in the dual role of motherhood and the pursuance of a personal socio-economic career. Day-care centres fall under the portfolio responsibility of the Ministry of Education, which provides guidance and supervision in order to maintain minimum standards and opportunities for improvement.

362. Crèche education although optional, is considered part of the formal education system operated by Government. It caters for pre-school children aged three years and four months to five years and four months. It is non fee-paying and available to all residents. Attendance is practically 100 per cent of the age group. A special two-year curriculum has been devised for the crèche and teachers specializing in early childhood education are trained for this level of schooling. Administratively the crèche falls under the Schools Section of the Ministry of Education and is attached to a primary school.

363. Primary education comprises six years of non fee-paying, compulsory education (P1-P6). It caters for children aged 5/6 years to 11/12 years. The lower primary (P1-P3) has a broad-based curriculum taught by generalist teachers while the middle primary (P4-P6) is taught by semi-specialists.

364. Secondary education comprises four years of non fee-paying compulsory education (S1-S4). It caters for children aged 11/12 years to 15/16 years. The National Youth Service is a centrally run, non fee-paying optional residential institution which groups together pupils from all secondary schools for the final year of the secondary cycle. Pupils follow academic and pre-vocational studies in addition to taking part in social and cultural activities.

365. The public school system is supplemented by registered independent fee-paying schools. These are composed of three registered independent fee-charging schools (International School, French School, Independent School) and two affiliated government institutions (Conservatoire of Music and Dance, and Seychelles Institute of Management).

366. The Seychelles Polytechnic comprises a number of schools specializing in various fields including academic studies (pre-university), business, tourism and technical and vocational studies. Entry into the Polytechnic is selective and dependent on good performance in relevant subjects at national examinations. The Polytechnic has a School of Continuing Education which promotes adult education in a variety of disciplines and which has played a major role in reducing illiteracy.

367. There is no university in Seychelles and suitable candidates are sent overseas to pursue undergraduate or advanced technical studies. There are a few training institutes such as the Seychelles Institute of Management, the Police Academy, Seychelles Hotel and Tourism Centre and the Defence Academy, that provides specialist training.

2. Vocational training and guidance

(a) Training opportunities for children aged 15 years and above (art. 28.1 (b))

368. The duty imposed by article 28.1 (b) needs to be examined in the context of the range and quality of vocational provision for 15 to 17-year-olds in the Seychelles today.

369. The Centre for Skills Development is an initiative which started in 1995, running three training schemes for vocational training: the Youth Training Scheme, the Apprentice Scheme, and the Project and Small Business Scheme. The Government introduced a guarantee of a suitable youth training place for every young person not in full-time education or employment. In 1995 the Youth Training Scheme had an enrolment of 1,645 young people. The Project and Small Business Sector had a total of 78 females working on the programmes.

(b) Quality of youth training (art. 28.1 (b))

370. Compliance with article 28.1 (b) also requires that greater investment be made in high-quality training leading to recognized and relevant qualifications for young people. The lack of income support and the attempt to guarantee training to every young person needing a place may have led to widespread incidence of hastily constructed and sometimes ill-thought-out and poorly prepared training, which serves little purpose other than that of achieving a numerical target.

371. Enrolment in the training schemes is voluntary. However, in reality many young people are forced into schemes as the only available means of getting enough money to live on. The courses they take are often not appropriate for their needs, and the drop out rate is high, especially for girls. The limited choice of training opportunities for young people with already low self-esteem is likely to damage whatever motivation they have and further limit their self-confidence. If the Government is to make a serious commitment to promoting the rights of all young people to appropriate training, in line with its obligations under articles 2 and 28 of the Convention, there needs to be greater investment in quality training leading to recognized and relevant qualifications for young people. Comprehensive monitoring of the allocation of places within the youth training schemes, the types of placement offered, drop out rates and employment outcomes is also required.

B. Aims of education

372. Government policy on education is based on three main principles: (a) Education for All: all Seychellois have equal opportunity and access to education and an equal chance for achieving within the education system their full potential, consistent with their differing abilities and interests and with the needs of society; (b) Education for Life: education is seen as a life-long process that does not end with schooling and one that is oriented to the requirements of everyday life, including the world of work; and (c) Education for Personal and National Development: education facilitates personal development, which in turn contributes to the collective development of society and the nation.

373. Major education policies aim at enhancing the quality of education and training, provision of free education at all levels, equitably resourced schools throughout the national, open access for all nine years of compulsory schooling (P1-S4), relevance of structure and curricula content to local conditions and needs and efficiency and cost-consciousness. Emphasis has been primarily on improvements in infrastructure, ensuring equal opportunity of access and provision of free, universal education. Strategies developed to implement these policies have focused on:

(a) Building and equipping sufficient schools in each of the ten regions to provide schooling for the children;

(b) Investing in quality improvements, especially in teacher training and provision of textbooks and materials;

(c) Providing socializing environments and influences to assist the total development of the child and adolescent;

(d) Promoting the establishment of day-care centres to provide for the social needs of the nation's citizens and to provide for their educational needs;

(e) Establishing pre-school (crèche) education for all its citizens in recognition of the importance of the pre-school period for the cognitive, emotional and social development of the child;

(f) Broadening curricula during the secondary level to create awareness of the adult work environment and to encourage training in applied vocational skills;

(g) Utilizing the specialized abilities of expatriates while moving towards localization of teaching staff.

374. Having achieved equal access and full enrolment during the compulsory schooling years the goals now encompass being able to afford a quality education with due regard to environmental enhancement, gender equality, replicability and sustainability of impact.

1. Early years of education

375. The Seychelles Government recognizes that investment in early education is one of the most effective means of providing all children with a firm foundation for future attainment. Pre-school education in the Seychelles is provided by the State and is available to all children aged three and a half to five and a half. It is non-fee paying and although it is optional it has nearly 100 per cent enrolment.

C. Compliance with the Convention (art. 28)

376. The above points suggest that current legislation in Seychelles more than satisfies the minimum standards. However, it is necessary to address not only the statutory provision of education and the basic rights of the child to that educational service, but also the equality of

access to it, the rights of children to be heard in the education system, the quality of the experience of school for all children and respect within the school system of children's civil rights. If children's rights in relation to education are to be fully addressed in Seychelles, it is necessary to look beyond the traditional indicators of literacy levels and attendance rates, important though these are, and develop sophisticated measures to evaluate the extent to which educational provision complies with all the principles embodied in the Convention.

1. Access to education (art. 28)

377. The Seychelles Constitution makes it unlawful to discriminate against someone, either directly or indirectly, in the field of education, as does the Education Act. The Ministry of Education ensures that school activities which are undertaken during the school day are provided free of charge and that resources are made available to subsidize those children who cannot afford to undertake out-of-school activities, for example music and dance.

(a) Drop-outs/expulsions

378. The Constitution gives all children between the ages of 5 and 19 the right to an education. No child will b excluded from school simply because no place is available. The Ministry of Education has an ambitious programme of construction of schools and other facilities. In 1990-1995 education absorbed SR 382 million of public sector investment, most of which was spent on building schools and other infrastructure. Another SR 100 million will be absorbed by the sector in 1996-1998 for construction, renovation and extension of schools to accommodate children of school age. There is nevertheless concern over the growing number of children excluded from school and therefore failing to receive an adequate education. Figures from the School Welfare Unit of the Ministry of Education indicate that there is on average 15 cases of children dropping out per year, mostly cases of children with learning difficulties or behaviour which the school feels they cannot control.

379. According to current policy and practice, schools are allowed to exclude pupils where it is considered that the pupil's parents are failing to comply or allowing the children to fail to comply with school rules, or the school considers that the pupil's continued presence would be detrimental to discipline or the educational well-being of other pupils. This is the basis of the practice of excluding girls under 17 who become pregnant. It is reported that schools do not have the facilities or the capacity to cope with children who have learning difficulties. These are often the same children who play truant and eventually drop out. In order to comply with article 28.1 (e) of the Convention, Government should introduce measures that would put pressure on schools to tackle unacceptable truancy rates. In addition, Government should advocate for schemes in which members of the public take responsibility for identifying children out of school.

380. Effective strategies for tackling truancy must start by listening to children as well as parents and teachers: using their perceptions of the causes of truancy as the basis for developing policies to increase attendance rates, and undertaking research to assess the real cause(s) of truancy in schools. None of the current strategies address the real nature of the problem of

truancy, since the figures that are normally produced on truancy levels are misleading and inaccurate. Schools are required to report authorized and unauthorized absences. As schools may apply widely differing definitions to these terms, the figures can become meaningless.

(b) Children with special needs

381. There are concerns, however, that the level of support for children with special needs in mainstream schools is currently inadequate. The State provides equal primary and secondary education to children with physical mobility disabilities in an integrated setting in general schools, and there are a number of children with disabilities in schools all over the islands. At present, education in mainstream schools does not have the equipment nor the appropriate support services to meet the needs of a child with special needs, such as a deaf or blind child, and therefore these children have to go to the School for the Exceptional Child.

382. As yet neither Parents' Associations nor the Disabled Persons' Association have been invited to, or involved in the education process. There are still no day care or crèche facilities for very young children with disabilities, or provision for special teacher training, ongoing teacher training and support teachers for those in either general school or the School for the Exceptional Child.

383. Clearly, if the principles of the Convention are to be met disabled children need to be given the opportunity to enter mainstream education. Segregating them effectively marginalizes them, defining them through their disability and not as children first.

(c) Rights of appeal against expulsions

384. Parents, but not children under 18, do have a right of appeal but only where an expulsion is permanent. Compliance with article 12.2 would necessitate that this right should be extended to children. Children can be excluded without having any opportunity whatever to defend themselves or to challenge the decision. It is also important to recognize formally that the child's perspective will not necessarily coincide with the parents' views or wishes. It is of the greatest importance that children should be given a right to be heard when a decision of such significance is being made. They should also have access to independent advocacy.

2. Curriculum (art. 29)

(a) Human rights and democracy

385. The Education Act (sect. 4 (1)) states that it is the policy of Government "to encourage in Seychellois an awareness of national identity and respect for the individual". The Ministry of Education is introducing a personal and social education programme which aims to focus on family life and health education, moral education and education for citizenship. Without policy to that effect the incorporation of human rights in the curriculum, supported by a school environment which is respectful of children, will continue to take place on an ad hoc basis. Schools need to develop an approach to the subject which incorporates the issues throughout both the curriculum and the day-to-day practice of the school.

(b) Language policy (diversity)

386. The right of a child to use his or her own language is of critical importance in Seychelles as Kreol is the indigenous and national language of the country. The Government does recognize the importance of language and recognizes Kreol as the national language. A number of special books are published by the Ministry in Kreol for young children. However, English remains the main language of instruction in later years and French is also taught throughout the system.

3. Protection and safety for children in schools (arts. 19 and 37)

387. There are no reliable data on the occurrence of bullying in schools. Anecdotal evidence however seems to suggest that it does exist and is on the increase. Article 19 clearly applies to abuse perpetrated by other children as well as adults and is therefore of relevance to children in school, in the care of teachers, who experience bullying by other children. There is a clear obligation on the Ministry of Education, within the terms of this article, to take appropriate measures to tackle bullying in schools.

388. With respect to administration of school discipline, progress has been made with the abolition of corporal punishment in all school educational institutions. This is, however, only a Ministry of Education policy and is not law. Many children complain of teachers pulling their hair, hitting them, etc. The continued use of violence against children in this way represents a fundamental lack of respect for their physical integrity. There is an ongoing debate on the reintroduction of corporal punishment in schools. The Ministry, through the School Welfare Unit, is organizing various activities to sensitize head teachers, teachers and members of the public on the issue of corporal punishment in schools.

389. In line with the requirements of article 3.3 there are explicit obligations and liabilities on the Ministry of Education and individual schools to maintain the standards of school buildings and protect the health and safety of their pupils. However, despite the formal protection afforded by the legislation, there is considerable evidence to show that in practice many schools provide a far from adequate standard of health and safety for children. Again, there is no hard evidence available but there is concern about safety and the physical environment in many schools. The Ministry is aware of this and with the help of the voluntary agency CARE is undertaking various projects to provide fencing and better security to improve safety at schools.

4. Freedom of expression (arts. 12 and 13)

390. In Seychelles the right of the child to form and express views freely in matters affecting the child, and to the views being given due weight, is respected to an extent. Efforts are made to encourage the child to express himself or herself in a multitude of ways as part of the school curriculum. Additionally, a number of activities such as debates, public speaking competitions, drama competitions, art competitions and many other such activities contribute to encouraging children to express themselves.

391. The activities of school personnel including administrators, teachers, counsellors and school nurses also provide opportunities for children to seek, receive and impart information. Training includes the concept of rights and duties. The respect of others rights and those of society are seen as going hand in hand with the respect of the child's own rights.

392. At present children have no formal right to participate in matters of school policy or administration. There is no requirement to involve children in decisions on, for example, school uniforms, curricula, arrangements for school meals, supervision in the playground or discipline. There are no school councils to provide an institutionalized structure within which to consult children and to hear their views and ensure that they are taken account of in developing policy.

393. The importance of opportunities for children to express themselves with regard to personal problems has been greatly emphasized. Hot lines, professional counselling, peer counselling, etc. have been developed to provide protection to the child against child abuse and drug and alcohol abuse, whether at home, at school or elsewhere. New legislation has been enacted to enable the child to provide legal evidence in confidence.

5. Mass media and information (art. 17)

394. Article 17 stresses the rights of children and young people in relation to the mass media and its importance in promoting social, spiritual and moral well-being and physical and mental health. In ratifying the Convention the Seychelles Government has accepted its duty to ensure that the child has access to information and material from a diversity of national and international sources and to encourage the mass media to disseminate information and material of social and cultural benefit to the child. It is also required to ensure to all children and young people the right to freedom of expression (art. 13). This right includes freedom to seek, receive and impart information and ideas of all kinds through any media of the child's choice.

395. The mass media's role in education is recognized. Schools have access to age-related reading materials in school libraries and the National Library, which supports school activities. The wide-ranging school curriculum also makes available a wealth of information on subjects ranging from language studies and literature to science and social sciences. The Ministry of Education also publishes a number of specialist books in the Kreol language for young children. An interesting variety of printed materials relevant to children's social, spiritual and moral well-being and their physical and mental health are also available at the National Youth Centre, Community Resource Rooms and District Youth Clubs. Documentary films feature regularly on District Youth Club programmes and important issues such as the environment, sports, substance abuse, sex education etc. are covered.

396. Articles 17 and 13 of the Convention have implications for the policies of broadcasting companies, newspapers and magazines, and publishers towards dissemination of information aimed specifically at young people. In particular, article 17 requires that we examine the provision of material for the many children with visual or hearing impairments who may be unable to use written materials or enjoy television or radio programmes. Radio is an important source of entertainment and information for those with visual impairments. The use and

enjoyment that children and young people who have impaired hearing get from television is often limited because there are no signing translators to "dub" programmes. A major improvement could be achieved for these children if "signing" were to be a required procedure for information and education programmes, particularly those which are locally produced.

397. Full implementation of article 17, together with article 2, necessitates that measures be introduced to ensure access to the mass media for all children regardless of disability or race, language, culture or religion. It also requires that the mass media be representative of all children in their coverage of mainstream news, current affairs and in the general output. Full implementation of article 13 also has implications for the mass media. Public service broadcasting should offer regular opportunities for children and young people to be involved.

398. The Government recognizes the importance of libraries and has built a National Library which offers a wide variety of books and magazines. The Children's Section of the library is very busy and used by many children and there are plans to extend it. In the districts the use of mobile libraries is an important way of supporting local communities. A replacement for the old mobile van is included in the list of projects for the 1996-1998 investment programme. School libraries also play an important role but their services are often of poor quality.

399. Blind children have never had access to the same scope of resources as sighted children because of the expense of producing Braille books. Funding must be found to meet the need for talking books and audio-tapes of children's books in school and public libraries.

400. The widespread presence of television at school and in the home is also a learning tool which is very popular. Additionally, computer education is being introduced in the schools and it is expected that all students completing the compulsory cycle will be computer literate, at least at basic level. Educational and cultural exchanges with students of other countries have also had an educational impact, providing children with first-hand experience of the way people of other countries live.

401. Protection of the child from materials injurious to his or her well-being is a preoccupation of the Ministry of Education and of the social services, as well as of the management of the local mass media agencies. The Film Censorship Board has responsibility for guidelines to protect children from materials which are injurious to their well-being, and has the task of balancing this against the child's right to freedom of expression and the role of parents in the upbringing of children (arts. 13 and 18). Recent discussion about the role of television and videos has led to an emerging view that the increased use of television, video and computer games by children and young people is contributing to increased levels of violence and intolerance in our society. However, there is as yet little conclusive evidence about the relationship between the media and patterns of behaviour. Many children have strong views on the issue of censorship, its appropriateness and implications for their lives. It would be a valuable exercise to consult widely with young people on their views of the role that television plays in their lives and its impact or otherwise on their behaviour.

6. Parents' responsibility (art. 18)

402. The principle that both parents have common responsibility for the upbringing and development of the child is recognized. Recognition of this principle and of the practical implications for the relatively large number of single-parent families that exist has had an effect on the type of educational assistance that Government provides or encourages. The provision of early childhood education at day-care centres recognizes both the primary role of the family at this level, and the practical need to assist working mothers in single-parent families. The extent to which crèche education has developed is a recognition of Government's determination to provide education for all even at pre-school age. Additionally, the provision of free education from crèche to NYS and to polytechnic is a further indication of Government's determination to assist parents in providing education for all.

7. The disabled child (art. 23)

403. Government's commitment to providing a mentally or physically disabled child with a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community is suggested, although there are no reliable data on children with varying forms of disability. The Ministry of Education has built a special educational establishment, the School for the Exceptional Child, to provide schooling for those unable to attend other schools. The partially disabled child capable of attending a regular school is enrolled in his/her respective school and assisted as necessary by the school authorities. A survey is being planned and a clearer picture of this group will be available once the results are published. There are no reliable figures yet on the number of children with disabilities in the school population. Cooperation between the various Government ministries and other agencies has provided education, health care, preparation for employment, and recreational opportunities that have had a very positive result, with activities such as the Special Olympics proving to be very popular.

8. Indigenous minorities (art. 30)

404. Indigenous minorities do not exist in the true sense of the term in Seychelles. Minorities that do exist have equal rights and privileges under the Constitution, the law, and in practice.

D. Leisure, recreational and cultural activities (art. 31)

405. Responsibility for ensuring play opportunities, whether through provision of facilities and services or through creating safe environments for free play, are spread between government departments, with none taking a lead role or responsibility for policy coordination and development. Much provision also comes through the voluntary and private sector - Boy Scouts, private cinemas, video shops, etc.

1. The importance of play and leisure activities

406. Studies over many decades have shown that play is of crucial importance to the development of educational, social, physical and creative abilities in later years. Encouraging an interest and participation in different types of arts brings benefits in terms of children's

development and learning. The full implementation of article 31 is therefore fundamental to the attainment of both article 6.2 and article 24.1. No clear information is available to forecast what scale of provision is required for children's play and leisure, and there is a need for considerable research in these fields.

407. In order for children and young people to be able to express their views much depends on the attitudes of the adults they are involved with. Often an adult will help a child or young person to think through what it is they want and how they could go about making their views known to adults. If implementation of article 31 is to have any meaning, adults need to create appropriate opportunities for children and young people to become involved. Only when young people are exposed to a varied range of choices backed-up by improved facilities will they be able to decide what they want to do and what they want to say through the medium of the arts.

2. Structures for play and leisure activities

408. The Division of Culture in the Ministry of Education and Culture has the overall responsibility for the implementation of the cultural policy of the Government. This policy rests on three main underlying principles: the protection and preservation of Seychelles' national and cultural heritage; the development and promotion of the arts; and ensuring easy access to and availability of cultural activities to all.

409. In relation to its mission, the Division of Culture promotes cultural activities and undertakes research on cultural tendencies. It is responsible for protecting and preserving cultural heritage, providing access to knowledge and information, and researching the development of the Kreol language and culture. The Department of Culture in the Ministry of Education and Culture has overall responsibility for the arts, and for museums, libraries, and film. However many of these responsibilities are delegated to organizations such as the Arts Council.

410. Through the National Arts Council many creative activities are organized at school level for children. Children also have free access to the archives and museums, the Natural History Museum being particularly popular with the children. The children's section of the National Library is well used and the Ministry plans to improve the stock of books and other magazines. The Government is committed to encouraging children and young people to develop forms of expression in all areas, and the Conservatoire of Music and Dance has many children involved. A junior band has been formed, and young boys and girls are proud to join and form part of the National Band, which performs at official functions and cultural events.

411. In Seychelles responsibility for sports falls within the brief of the Ministry of Local Government Youth and Sports (MLGYS). The Ministry has responsibility for giving direction to and translating into action government policies in order to maximize community participation and contribution in local government administration and development; for coordinating youth activities and for mass enjoyment of and pursuit of excellence in sports. Local government administration is decentralized to 22 regional districts responsible for the overall infrastructural development of the community, e.g. recreational facilities, entertainment, improved infrastructure and facilities.

412. MLGYS is also responsible for the construction of a number of social and leisure facilities at both district and national level, such as children's playgrounds, playing fields, multipurpose courts, gymnasia, swimming pools, youth centres, and community centres. All these facilities play an important role in the development of young people and children of Seychelles. There are currently 9 district playgrounds out of a total of 25 districts on Mahe, Praslin, La Digue and the Inner Islands. Most districts have other facilities, normally for older children or young people, e.g. multipurpose courts, which tend to be monopolized by the older boys. As part of its Programme of Action for Children in Seychelles the Ministry aims to upgrade many of the facilities available for children. Among the projects to be implemented are three for upgrading existing playgrounds, which represents an investment of SR 475,000. In 1994 the Ministry employed 314 staff with a recurrent budget of SR 41.4 (sic). There was a 32 per cent reduction in the budget in 1995.

413. This Ministry's District Youth Clubs also organize various leisure and recreational activities for schoolchildren especially during weekends and holiday periods. These activities are based on the affinities, interest, form and age of the participants, and they embrace a wide range of activities in the areas of culture, the arts, sports, outdoor life, camping, social exchange, etc. Special sports initiatives and competitions are also organized by the National Sports Council and various sports federations during the holidays.

414. The Ministry recently introduced a special award scheme. The President's Award, aimed at promoting community integration and development of life skills and personal abilities. An encouraging number of children and young people have shown interest in the scheme. The Ministry also supports other organizations that promote children's development such as the Seychelles Scout Association and the Seychelles Youth Animateur Association.

415. Responsibility for the management of sports has been delegated to the National Sports Council (NSC). The thrust of policies pertaining to sports development is to provide access to and participation in sports activities to as may Seychellois as possible. Guided by this principle the Government, through the NSC, has provided basic sports infrastructure at district level in the form of multipurpose courts and playing fields. At present there are 28 sports actively and regularly practised in the country.

3. Inadequate policy coordination, development and funding

416. One element in ensuring the full implementation of article 31.2 must be coordinated policy development at both national and local levels. However, it is clear that there is poor coordination.

417. The Arts Council and the Sports Council, the two government bodies concerned with adult leisure and recreation, are given substantial resources annually by the Government for their work, but in neither case do they have any policy which accepts the premise of article 31.2. Although both state their recognition of the importance of such work with children and young people, no quantifiable budgets for programmes are identified. Within the arts there is no one body with a real overview of the arts needs of young people. As a result provision is piecemeal and ad hoc.

418. There is no specific department responsible for overseeing services for children and young people. Different needs are addressed by different departments including Education, Social Services and Local Government Youth and Sports but the overall needs of children and young people are not properly assessed. The same lack of perception as to the importance of play is found in physical planning departments. As a result most planning decisions have paid minimal attention to the specific needs of children and young people.

419. Any policy and strategy must include an understanding of the many elements of play and leisure. They must also reflect the importance of access for disabled children including, for example, physical access, and availability of different forms of communication and transport.

420. An arts policy for all, including appropriate and equal opportunities for children and young people in line with article 31.2 of the Convention would ensure that every young person has access to properly funded projects where young people's experience and skills are valued and developed. MLGYS could appoint teams in districts to oversee the provision of services for children and young people. These teams should develop and publish a coordinated, comprehensive child and youth policy relating to the provision of play and leisure activities. The teams should have advisory groups and networks drawn from the local population of children and young people.

421. Although it is impossible to estimate the proportion of government expenditure on arts and leisure activities devoted specifically to play and leisure activities for children and young people, it is clearly not related to the proportion of the population they represent. The Ministry reports that budgetary constraints hinder the construction and development of community socio-recreational facilities.

4. Compliance report

422. Most of the time children and young people spend playing is not in organized facilities and services, but in and around their homes, on their own or with friends and with little or no input by adults. Children, young people and their families need to feel safe in their local environment. If full implementation of article 31 is to be achieved the Government must do what it can to ensure this safety. Frequently children's rights to play and leisure activities are restricted by dangers inherent in the social and physical environment.

423. Many physical factors affect children's play including inadequate housing and gardens, overcrowding, risks from traffic and lack of provision of suitable space. These problems are exacerbated by insufficient low-cost, quality day care, lack of provision before and after school for children whose parents work; limited play centres; the lack of targeted play schemes; poor access to safe outdoor open spaces, quality playgrounds and recreational development schemes; and lack of sufficient equipped outdoor recreation spaces for older children. The central issue for younger children is safety, with dangers from vehicles, other adults, bullying, and play areas spoilt by broken glass and rubbish. Many children may be playing in an atmosphere of fear and stress.

424. Among those young people interviewed, frustration at the lack of consultation was a major concern, resulting in provision of services of little interest to them. Lack of money and restriction of movement by parents are also issues of concern as is fear of violence, particularly from other young people.

425. The Ministry of Community Development, which has overall responsibility for physical planning, has no direct responsibility for play. The Ministry should however provide guidance on space, equipment and safety in housing estates. This guidance should address the specific needs of children and young people of different ages and should be mandatory. The nature of play and its importance to children should make it one of the major considerations and fundamental concerns of the planning process, and should be provided for in planning legislation.

426. Other methods of improving the safety at local community level including adopting "play-friendly" strategies and initiatives such as traffic abatement measures, combined with the creation of dedicated play spaces. Major improvements could be made by such measures coupled with other initiatives, such as improvements to school playground environments. Planning authorities should ensure that new housing developments provide a play environment as part of the initial building regulations.

5. Providing "appropriate" services and facilities (arts. 31.1 and 2)

(a) Consulting with children and young people

427. In order to ensure full participation of children and young people (art. 12) in discussion about provision for their play and leisure activities (art. 31), children and young people should be actively consulted and involved in deciding the location and nature of designated play spaces provided by the Government. All services and facilities providing play and leisure activities should have formal evaluation policies which involve consulting with children and young people who use their services and, where appropriate, those who do not use their services but could be expected to.

428. Although they may not be interested in mainstream adult arts, many young people are involved in a wide variety of pursuits. Much of their cultural activity is not organized and controlled by institutions but develops in an organic way from the lives and influences of the current generation. Informal activities such as go-carting and roller blading have emerged. Music is one of the most popular of the youth arts. Many young people are involved in this often self-taught, self-managed activity.

429. Children and young people of all ages - pre-school, in school or in work training - have the right to activities appropriate to their ages, and in each community setting this should be a part of the infrastructure. In Seychelles continuity and progression in services from early childhood through to adulthood is an area of concern, especially for those young people outside formal education. Compliance with article 31.1 requires that planners should look at ways of developing age-appropriate services and continuity between services.

(b) Equal opportunities in play and leisure provision

430. "Equal opportunities" in the context of article 31.2 means that all children and young people should have access to a wide variety of play, recreational, artistic and cultural activities. There is also little out-of-school provision in Seychelles for 8 to 12-year-olds in their district. It is clear that for many children and young people access to facilities and services can be limited. Specific groups of children and young people affected include those with special needs, limited mobility, limited financial resources, or excessive family commitments such as housework or caring for younger siblings.

(c) Disabled children and young people

431. At present the extent to which disabled children can use mainstream play facilities is very limited and poor funding adds to problems of unsuitable premises and amenities, access, unsuitable equipment and the need for additional and trained help. Families including children with special needs are often reluctant to approach mainstream groups as they are not sure how they and their children will be received. The need for integrated activities for children with disabilities and learning difficulties is of particular importance as in many areas there are few other opportunities for them to play and associate with their peers in groups and clubs or integrated schools.

432. MLGYS is involved in and supports the Special Olympics Committee, organizing sports activities at national level for the disabled. The Ministry's sports policy states that "This Ministry will also endeavour to develop special socio-educational, cultural and leisure programmes through its network of District Youth Clubs so as to promote the social integration of the disabled children". It is not clear how the Ministry plans to translate this commitment into action. There is also a lack of suitable provision in schools for disabled people wanting to be involved in sports activities.

6. Safety and standards (arts. 3.2 and 3.3)

433. The ministries responsible for children's playgrounds, day-care centres, community centres and sports facilities are mandated to ensure that construction of such facilities conforms to Planning, and Licensing Authority requirements which include strict health and safety measures; these facilities and equipment are subject to regular general cleaning, inspection and maintenance; and all activities are carried out with every degree of precaution and under adequate supervision by competent adults.

434. Most accidents to children and young people outside the home happen during play and leisure activities. For many children the area around their home presents many dangers and there is little or no safe outdoor place to play. The most widespread form of recreational provision is constructed unsupervised playgrounds and play areas which exist throughout Seychelles in villages. Outdoor play facilities in the districts are in general badly maintained, vandalized, in poor condition and in cases dangerous. In general these playgrounds do not have any effective maintenance and inspection teams.

435. Government guidelines on safety exi but are not enforceable in law. A large number of play areas lack impact-absorbing surfaces. The standards of equipment and maintenance fall short of the safety needs of children. There remains a need to ensure that current health and safety legislation is strictly enforced. Playgrounds and other leisure centres keep no accident records, preventing further comment on their level of safety. It is to be noted that staff employed in the children's playground do not have basic first aid training.

E. Concluding remarks and recommendations

Education

436. Compliance with article 3 and 1 requires that the Education Law be amended to incorporate a principle stating that it will be the duty of the Minister for Education and school heads in the exercise of any of their functions that the welfare of the child will be a primary consideration.

437. Compliance with article 3.3 requires that additional central government funds should be made available to invest in the infrastructure of schools to bring them up to a standard of repair and decoration necessary both to ensure the health and safety of all pupils and to ensure that the physical environment of schools is not detrimental to their educational opportunities.

438. Compliance with article 12 requires that:

(a) Schools introduce procedures for ensuring that children are provided with the opportunity to express their views on matters of concern to them in the running of schools and that their views be given due weight in accordance with their age and maturity;

(b) Both initial and in-service teacher education be founded on the principles of respect for children and greater democracy within schools.

439. Compliance with article 12 requires:

(a) Legislation introducing a duty on the Ministry of Education and schools to establish formal procedures for both ascertaining and giving due consideration to the views of individual children on matters affecting them and enabling them to make complaints when they are dissatisfied with either the process or outcome of any decision made in respect of them;

(b) Legislation to ensure the child has a right to be heard in decision-making and appeals concerned with school choice, expulsion from school and special needs assessment;

(c) The introduction by schools of procedures for ensuring that children are provided with the opportunity to express their views on matters of concern to them in the running of schools and that their views are given due weight in accordance with their age and maturity;

(d) Both initial and in-service teacher education to be founded on the principles of respect for children and greater democracy within schools.

440. Full implementation of article 17 requires:

(a) Libraries to ensure that their policies on opening hours and stock do not adversely affect children's rights;

(b) Guidelines for services for children and young people to be adopted and implemented by all public library services and schools;

(c) The use of agreed guidelines for monitoring children's books and resources to ensure that they help develop awareness of a positive identity by all children.

441. Compliance with article 17 (c) requires that the Government and education authorities in Seychelles continue to promote and facilitate the provision of educational books and resources in Kreol.

442. Compliance with article 17 (d) partnerships should be established between voluntary organizations, schools, children and their families to ensure and encourage the provision of these resources.

443. Compliance with article 17 (e) requires that:

(a) Further research be undertaken into the effects of television, the Internet, video and computer games on the mental and physical development of children;

(b) Guidelines for protecting children and young people from harm through the media be drawn up, in conjunction with children and young people themselves.

444. Compliance with articles 19, 28 and 37 requires that:

(a) The law applying to all institutional settings for children consistently prohibit punishment and treatment which may involve physical or mental violence; in particular the abolition of corporal punishment should be extended to cover all pupils;

(b) Guidance to school staff on the appropriate use of physical restraint be issued, following consultation with all relevant staff and children;

(c) Initial teacher education incorporate the principle of respect for children's personal and physical integrity;

(d) All schools adopt a whole school behaviour policy which addresses the physical environment and the staffing of playgrounds and classrooms and which is developed in consultation with the pupils and all other members of the school community;

(e) Legislation oblige authorities responsible for all schools to develop detailed policies to prevent and respond to bullying;

(f) All staff supervising playgrounds receive training on anti-bullying strategies.

445. Compliance with article 23 requires that:

(a) The Ministry of Education and schools have a duty to make provision for the fullest possible integration of children with special needs;

(b) Both initial and advanced in-service teacher education be available for teachers to enhance their capacity to offer effective access to education for children with special needs in an integrated setting.

446. Compliance with article 28, consistent with article 2, requires that:

(a) Legislative criteria to limit school expulsions be introduced which place an obligation on schools to take all reasonable steps to prevent the expulsion and to satisfy themselves that, unless expelled, the pupil is likely to be disruptive;

(b) All staff working with children and young people in care - social workers, foster carers, residential staff - receive training on the importance of education in the lives of those young people;

(c) Both initial and in-service teacher education include information about the general circumstances of children in care in order that teachers can become more sensitive to the implications for those children and be more aware of their needs in relation to education;

(d) Social services and education departments review and evaluate their arrangements for liaison and collaboration over education provision for children in care; reviews should always address the education of the child concerned;

(e) Individual case files have a separate section on education;

(f) Schools develop strategies reflecting the individual needs of each school for encouraging attendance, in consultation with pupils.

447. Compliance with article 28 requires that career guidance be introduced at primary level and that vocational training opportunities be strengthened.

448. Compliance with article 29 requires that:

(a) The National Curriculum fully incorporate perspectives on human rights and democracy as an integral component;

(b) Both initial and in-service teacher education be explicitly designed to equip teachers to undertake their duties in a way that meets the demands of schools in a multiracial society.

Leisure and cultural activities

449. Full implementation of article 31 requires that:

(a) The Ministry of Local Government Youth and Sports be given responsibility for ensuring the implementation of article 31 throughout the Seychelles through collaboration with relevant departments and organizations;

(b) A research panel be established to identify the range and distribution of play provision throughout the Seychelles;

(c) A governmental interdepartmental forum be established to ensure that all government and voluntary-sector programmes take account of the play and leisure needs of children and young people;

(d) Officers be appointed with designated responsibility for children's play and leisure provision;

(e) Partnerships between the private and NGO sectors be promoted to provide adequate, appropriate and accessible play and recreation space for children of all ages in every district.

450. Compliance with article 31.2 requires that:

(a) Structured play and leisure opportunities be sufficiently resourced to ensure that there is age-appropriate provision and equality of access for children and young people from rural areas, and those with disabilities and learning difficulties;

(b) Government direct the Amusement Centre and national lotteries to promote the quality of life of children through improvements in facilities for play and leisure activities in their objectives; funding must cover those involved in running and maintaining programmes over a period of time;

(c) Opportunities and facilities for leisure and cultural activities in schools be developed where absent, and maintained where present.

451. Compliance with article 3.2 requires that:

(a) The Government legislate for the provision of adequate, appropriate and accessible play and recreation space for children of all ages in every district;

(b) Health and safety legislation be rigorously enforced in play areas through regular inspections and reports.

452. Compliance with article 12 requires that:

(a) Policy for young people consider ways of encouraging and developing self-selected leisure activities which tend to be based on informality, privacy, personal choice, and power over and access to usable cultural commodities and resources; this means working closely with young people in a way that gives them some control over the use and availability of resources;

(b) The Government establish permanent monitoring machinery to advise and assess need amongst children and young people for leisure facilities, and to what extent they have access, on the basis of appropriate and equal opportunities, to cultural, artistic and recreational activities, so that an appropriate response to their needs can be formulated within various areas of government policy;

(c) A children's forum be established to provide a means of incorporating the views of young people.

453. Compliance with article 2 requires that:

(a) Facilities be decentralized to promote access, for example through regional recreational centres;

(b) Space for recreational areas be incorporated in all housing estates;

(c) Leisure and play in schools be given appropriate weighting in planning buildings, etc.;

(d) Policies be developed whereby children whose parents are working can stay after school under supervision to participate in organized recreational activities.

454. Compliance with article 3.3 requires that:

(a) Service providers ensure that staff and volunteers working with children have appropriate training, knowledge and experience for the duties and responsibilities expected of them;

(b) Local government ensure that procedures are in place for registration and inspection that are appropriate for each type of play service, and ensure that professionally trained play staff are involved in these inspection procedures;

(c) Parents and others have a right of access to information about the ownership, responsibility and safety provisions of playgrounds. Health and safety legislation covering the safety of children and young people using play areas, including school playgrounds, should be enforced more rigorously by regular inspections and reports. Adequate funding should be made available for this.

IX. SPECIAL PROTECTION MEASURES

A. Children in conflict with the law (arts. 37, 39, 40)

1. The administration of juvenile justice (art. 40)

455. The Constitution (chap. III, Part 1, art. 27) guarantees every person a "right to equal protection of the law including the enjoyment of the rights and freedoms without discrimination on any ground except as is necessary in a democratic society". The Constitution also affords strong protection for the right of fair trial for all persons and provides many guarantees which are in line with article 40 of the Convention. Article 18 of the Constitution states that any person who is arrested must be promptly informed of the grounds for the arrest in a language which he or she understands, and must be brought before a court within 24 hours (or, if this is not reasonably possible, within the shortest possible period of time).

456. All persons charged with an offence are presumed innocent until proven guilty, after having had the opportunity to call their own witnesses and to cross-examine witnesses against them. All persons have the right to adequate time and facilities for the preparation and presentation of a defence, and the right to be represented by a legal practitioner of their choice. A minor has the right to communicate with the parent or guardian.

457. In Seychelles the age of criminal responsibility is 12 but in practice there has not been a case of a 12-year-old appearing before the court on criminal charges. The Children Act also has provisions under Part VIII which are pertinent to article 40 of the Convention:

> The criminal law contains several measures that protect the privacy of juvenile offenders. The Juvenile Court sits in chambers or on different days and times from those at which ordinary sittings are held (sect. 93);
>
> Persons under 18 years of age are to be kept away from adult offenders unless jointly charged with adult offenders (sect. 93 (4));
>
> No child shall be prosecuted for any offence except for murder or on the instructions of the Attorney-General (sect. 92);
>
> No child under 14 years of age shall be sentenced to imprisonment (sect. 92 (1)); and
>
> No young person shall be sentenced to imprisonment if he can suitably be dealt with in any other way provided for under the Act, for example probation, fine, committal to a place of detention or certified institution, or to the care of a relative or other person (sect. 95 (1)).

458. Pre-trial detention is a last resort in the case of juveniles. The usual procedure is to release them with a warning into the custody of a parent or guardian until the trial takes place. However, in cases where this is not possible they are kept in a police cell or sent to the YRTC.

The law provides for charges against a child or young person to be heard by the Juvenile Court unless the child is charged jointly with an adult. A Juvenile Court consists of a judge or magistrate, one man and one woman appointed by the President.

459. Primary responsibility in Seychelles for services to the Juvenile Court rests with the Probation Department in the Ministry of Employment and Social Affairs. This is consistent with the Ministry's wider responsibilities for the protection and welfare of children and young people, and ensures that these general considerations are not overlooked in the administration of juvenile justice. Probation officers are authorized by the Children's Act (sect. 8) to make a report to the court in criminal cases involving accused under the age of 18, with a view to providing information on the character and environment of the child and the causes and circumstances contributing to the delinquency.

460. The intention of the Act is to try to ensure that custodial sentences are more appropriately targeted at the serious or violent offender, with petty offenders maintained within the community as far as possible, thereby ensuring that imprisonment for young people would be used as a last resort. Under existing arrangements, boys aged 10 may be remanded in custody and are frequently held in police cells. If the court decides on bail the parent or guardian has to be called in to sign the recognisance or security bond.

461. This community-based approach is consistent with the Convention (art. 40 3 (b)), the need to divert young people from crime (art. 37 (b)), the use of imprisonment as a last resort (art. 40.4) and the need for minimum but appropriate intervention. These principles of good practice may however be threatened by a shift towards a more punitive and tougher response to teenage crime, which is reportedly on the increase. This shift towards a more punitive approach is translated into proposals for dealing with young offenders primarily as offenders and for the establishment of a Juvenile Detention Centre planned for 1998. This centre would cater for chronic offenders who are currently sent to YRTC where they mix with other adolescents.

462. It is argued that one factor which limits realistic community-based alternatives to imprisonment for juveniles is a shortage of probation officers, who also function as social workers in most cases. It is recognized that young offenders need counselling and monitoring, combined with constructive activities at community level, organized for the youths. This is not possible at present because of the lack of personnel and facilities. There are only 17 probation prison welfare officers to handle all probation cases, including adult cases. In 1996 Probation Services handled 63 juvenile cases alone.

463. Statistics for the years 1990 to 1995 from Probation Services indicate that the level of juvenile crime has risen substantially: 28 cases in 1995, 2 of which were Juvenile Court cases, and 26 cases in 1996, 4 of which were from Juvenile Courts. In 1996 there were 4 cases in adult court, when a juvenile was charged with an adult offender.

464. There is as yet no useful information about the crime patterns of juvenile offenders. Crime statistics are not disaggregated by gender, but there is sufficient evidence to show that the majority of juvenile offenders are boys. Statistics on the impact of gender on the criminal justice

process are limited, and there is no evidence to show whether there are significant differences in the way men and women are treated by the criminal justice system. It is to be noted that all judges and magistrates are male, and of the 24 lawyers only 5 are female.

2. Treatment of young people in custody (art. 37 (a))

465. The Seychelles Constitution (art. 16 (2) (b)) provides that no person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. The Constitution also prohibits the death penalty (art. 6).

466. As has been noted above, the Youth Residential Treatment Centre (YRTC) is the only institution used for custodial sentences of young offenders. The main purpose of custody in a young offender institution is to ensure that the whole of the sentence, including the period of supervision after release, rehabilitates the offender for return to the community. The regime should build on positive activities designed to promote self-discipline and a sense of responsibility, allowing the personal development of the offender through purposeful activity and positive relationships. When juveniles are denied bail they are remanded at the YRTC. A case where a juvenile was remanded for 14 days at the YRTC was reported.

467. The young offenders interviewed talked about their experiences being detained in cells. Whilst detained in such a cell the young offenders have no books, newspapers, radio or personal belongings of any kind, and there is very limited contact with staff. Because of the hot temperature in the cell youths are advised to take off their clothes and remain in their underwear. There were also reports of different forms of bullying including stealing of property, testing newcomers, sexual harassment, tensions between young people from different areas, attacks on those who try to escape and straightforward fighting.

468. The whole approach used at the Centre is one based primarily on control and punishment rather than rehabilitation and treatment. The staff comprises, one manager, one counsellor, one teacher and support staff at the level of social worker's assistant and below. The regime practised at the YRTC is unacceptable and in breach of the Convention as it indicates a certain lack of compassion in dealing with these, admittedly difficult, young and very vulnerable children. Several reviews of the Centre by national and international consultants have recommended that the Centre be closed down.

469. A step has already been made to reduce delays in bringing child abuse cases to trial. There is encouraging evidence of the effectiveness of these measures and it is recommended that a similar principle is applied to criminal proceedings involving children and young people. Without the necessary commitment to institute strategies for the reduction of remands, the Government would be failing in its obligations under article 37 (b). However, as discussed above, Seychelles requires more resources, both personnel and physical facilities, to make full use of the potential range of alternatives.

(a) The right to maintain contact with family (art. 37 (c))

470. Section 101 of the Children's Act provides for regular visits to the child by the parents or guardian to preserve family links.

471. One of the consequences of having the YRTC on Praslin, away from the main island, is restricted opportunities for family contact. Whilst young offenders at the YRTC do have the right to maintain contact with their families through correspondence and visits, these rights are seriously circumscribed by the lack of easy access to family, friends and community. In practice, therefore, juveniles in custody have restricted rights to contact because of the distance from home. Home visits are only allowed at half terms and school holidays.

(b) Alternatives to institutional care (art. 40.4)

472. The Children's Act, section 94 (1)-(3), is consistent with article 40.4. However, in practice the commitment stressed under the Act is not reflected in the availability of community-based facilities for young offenders, which is still poor. There are also concerns that preventive measures intended to strengthen social support, and ensure increased employment and leisure possibilities are not sufficiently widely available for young offenders.

(c) Gender

473. There is concern that in the Seychelles there is no young offender centre for females. Boys and girls at the YRTC are held in separate wings. This is causing grave concern and problems for management. The differential levels of involvement in crime of boys and girls means that it may be inappropriate for boys and girls to be together. It also exposes young girls to potential sexual harassment and assault in breach of their right to protection from sexual exploitation and abuse.

474. Another areas that causes considerable concern, and may indicate discriminatory practice, is in sentencing. Of the female inmates at the YRTC the majority have been sent to the Centre as a place of security because of concern about their welfare or behaviour, rather than for reasons directly associated with offending. For many their parents have lost control and thus they are committed to YRTC.

475. There is a substantial body of research which indicates that ideological assumptions about how young women should behave tend to govern their experiences of youth justice and the childcare system. They are not judged against a yardstick of "boys will be boys" but against a complex definition of a woman's role within the private sphere of the family and ideals of respectability, decency and concepts of the "good girl". Fears are often expressed about girls' promiscuity, prostitution and teenage pregnancy; this may in fact result in girls being locked up in circumstances where boys might not be, leading to numbers of girls and young women being removed from home or being placed in compulsory care because of adult disapproval of their sexual activity and general lifestyle and demeanour. These practices mean that girls are discriminated against in breach of article 2 in the exercise of their right to be provided appropriate alternatives to custody.

(d) Promoting the best interests of the child (art. 3.1)

476. In Seychelles the Children's Act 1982, section 3 (1)-(2), requires that any decision in respect of the child must be taken in the child's best interests. This is in line with the requirement in article 3 of the Convention. The Act establishes the juvenile court system, thus

reflecting the special consideration that has to be given to children when they are involved in the criminal justice process. This is intended to ensure that young people are dealt with in a way which has proper regard for their youthfulness.

477. In fact, the Children's Act 1982 in Seychelles is based on the fundamental principle that the child's welfare is the paramount consideration and delays should be avoided. Courts should have regard, amongst other principles, to the wishes and feelings of the child and to his or her physical, emotional and educational needs, age, sex and background. When the court is considering whether to make an order, it should only do so if it believes that doing so would be better for the child than making no order at all.

(e) Maintaining high standards in all institutions (art. 3.3)

478. Currently there is no set of statutory minimum standards for conditions in treatment centres for young people. There is anecdotal evidence that standards within custodial institutions in the Seychelles fall short of conforming with the standards established by competent authorities. There is also serious concern about the conditions in which young people are held in jail/on remand.

(f) Complaints procedures

479. If children and young people are to be given effective rights to express views on all matters of concern to them (art. 12), they must have adequate information with which to form opinions. This right is affirmed in article 13. However, in general, information within custodial institutions is tightly controlled. Without access to information and knowledge of procedures it is not possible to challenge breaches of rights.

3. Physical and psychological recovery and social reintegration

480. Juvenile offenders in Seychelles are currently committed to the YRTC. YRTC was established in 1991 by the Ministry of Social Affairs and Manpower Development to provide residential training and rehabilitation for delinquent youth. It aimed to help them show more socially responsible behaviour, to help seek and take advantage of resources and opportunities available in the community, and to help the youth gain social skills enabling them to cope with the community at large. The original aim was for the Centre to represent a home situation, rather than be viewed as a prison. The counselling and behaviour therapy that the youth were to benefit from was to help them build self-esteem and gain positive behaviour, thereby preparing them to cope with their own home environment on their release.

481. Unfortunately, in practice the YRTC has turned into an institution where chronic juvenile offenders and delinquents are detained. There is no formal rehabilitation programme for the young offenders and delinquents. Counselling services are minimal with one resident counsellor, who is supported by a psychiatrist who visits from the main island, Mahe, twice a week.

B. Children in situations of exploitation

1. Economic exploitation including child labour (art. 32)

482. The Seychelles Constitution recognizes the right of children and young persons to special protection in view of their immaturity and vulnerability. Article 31 protects children under the age of 15 years against economic exploitation and hazardous employment, subject to exceptions for children who are employed part time in light work prescribed by law, without harm to their health, morals or education.

483. The Employment Act goes even further. It is illegal under this statute to employ a child under the age of 15 years for any purpose whatsoever. It is illegal to employ any child between the ages of 15 and 16 for certain categories of hazardous work. The Constitution also provides for a higher minimum age of admission to employment with respect to occupations which the State regards as dangerous, unhealthy or likely to impair the normal development of a child. In addition, the Minister of Employment and Social Affairs is empowered under the statute to further limit the types of employment that are permissible for children between the ages of 15 and 16.

484. The Seychelles Government entered no reservation to the Convention relating to employment of young people; yet, according to the employment legislation currently applying in Seychelles, the following persons, on being employed by an employer, are deemed to be "young workers": "Young people over the minimum school-leaving age (16) are considered as adults in the labour market and therefore subject to no restriction or special protection other than what applies to the adult labour force" (Employment Act 1991). Despite the generally satisfactory protection offered by the Constitution and the Employment Act with respect to child labour, there remain some concerns. With regard to the inadequacies of protection for 15 to 16-year-olds and the risks facing 16 to 18-year-olds in the workplace, the Government appears to take the view that in the case of the former, the legislation is adequate whilst for the latter, protection is unnecessary. In consequence, many children and young people continue to participate in the labour market with inadequate registration or enforcement of existing legislation and at risk to their health and safety.

485. The type of employment in which children are involved has changed over the years. Whilst many continue to be employed in shops and cleaning work, others are undertaking jobs in construction where they are often placed in dangerous or compromising situations. Some of the current work undertaken by children is not subject to regulation; for example, baby sitting is excluded, as are the increasing numbers of young people who are self-employed. Similarly, there is no record or protection for people employing children in their family business.

486. Children below the minimum age for employment are currently only allowed to work for eight hours per day. As the law currently stands, with 15 as the minimum working age, any form of employment which falls outside the exemptions in the Employment Act 1991 is permissible. This means that as new types of work evolve they are not subject to regulation. So there may be many children working who are not adequately protected. The full range of protective

legislation needs to be reviewed and rationalized in order to bring it into line with the realities of working children in the 1990s and to ensure that it fully meets the standards embodied in article 32. Lack of data makes it difficult, if not impossible, to know the extent of undetected infringement of the provision of the Employment Act.

487. The Health and Safety Inspectorate, which has responsibility for safe conditions at work lacks the resources to provide comprehensive effective monitoring. Tighter controls on health and safety are needed if we are to comply fully with article 32.1 and ensure that children are provided with the necessary equipment, protective clothing, training and supervision to reduce their exposure to risk of accidents.

(a) Regulation of employment (art. 32.1 and 2 (b) and (c))

488. The Seychelles Employment Act 1991 was introduced to standardize safeguards in bylaws and to strengthen the enforcement powers of the Ministry responsible. In practice, the level of regulation afforded to children in employment is inconsistent and often inadequate; where it exists Government does not have the resources to implement it. There are two possible alternative methods of achieving the necessary protection for children. One is to extend regulation into those unprotected employment areas. The other is to raise the minimum age of work, with specified exemptions for certain types of work. There is a need for a coherent interdepartmental strategy to address the risks faced by children and young people in employment.

(b) Ignorance of the law (arts. 32.1 and 13)

489. Studies in other countries have revealed that the majority of children surveyed had no knowledge of the law in relation to their employment. The situation in Seychelles does not differ significantly in this respect. If they are unaware of the existence of protective legislation, it is certainly possible that many of their parents are equally unaware and this lack of knowledge increases the likelihood of children being employed illegally.

490. Article 13 stresses the importance of the right to receive appropriate information. It is also important to recognize that one of the most effective means of ensuring that children are protected from economic exploitation and hazardous work is to equip them with the information with which to protect themselves. It is therefore imperative that information about the law relating to employment and the duties of those employing children under the minimum school-leaving age be made available to children and their parents.

491. Compliance with articles 13 and 32.1 requires that information be made available through the appropriate media to raise public awareness of the law. This should be backed up by the provision of independent advice and advocacy services for young people.

(c) Terms and conditions of employment (art. 32.1 and 2 (b))

492. The statutory period of paid leave for employees is 21 days. Young employees have statutory rights to holiday pay and work breaks, enjoying the same benefits as other workers. The requirement in article 32.2 (b) implies the need for regulation in this aspect of employment.

In Seychelles trainees and apprentices are paid SR 1,000 during their first year on the scheme, and SR 1,200 during the second year. Although it is expected that trainees be paid less than adults with experience, many young people enter training in areas where they are as productive as adults, such as catering or agricultural work, but are used by employers as a source of cheap labour without necessarily receiving adequate training. This situation should be addressed.

2. Drug and alcohol abuse (art. 33)

493. Both alcohol and drugs are controlled by statute law in Seychelles. The sale of alcohol to children under the age of 18 is illegal and the Children's Act (sect. 72) makes it an offence for anyone to give or allow a child liquor in a quantity that might be detrimental to the child's health. The Act also makes it illegal for a person to give or sell, a child or allow him/her to use or take any dangerous drug as defined in the Dangerous Drugs Act.

494. Drug and alcohol abuse is becoming a serious problem in Seychelles and the Government has set up a comprehensive range of efforts to deal with it. The setting up of a Task Force on Drug and Alcohol Abuse in 1994 was a major step in that direction. Membership of the Task Force consists of wide representation at the highest level from the Ministry for Employment and Social Affairs, the Ministry for Local Government, Youth and Sports, the Ministry for Education and Culture, Churches, members of the National Assembly, the Attorney-General, the Commissioner of Police, the Ministry of Health and the Seychelles Broadcasting Corporation (SBC). The First Lady, Mrs. Sarah Rene, is also a member of the Task Force.

495. The Task Force was set up to make a detailed study of the drug and alcohol problem and to make concrete proposals to Government on these issues. Since its inception in April 1994, the Task Force has carried out a survey to establish drug awareness amongst students and has considered previous studies on the drug situation in Seychelles conducted by the United Nations Drug Control Programme (UNDCP).

496. The findings of the Task Force were that Seychelles has a growing problem of drug abuse, which is mostly the use of cannabis, though there was evidence that other "hard and sophisticated substances" were being brought in the country. The Task Force recognizes that it is difficult to measure accurately the extent of alcohol abuse. However, on the basis of its consultations and studies of indicators it was convinced that the misuse of alcohol is on the increase and is already one of the major health threats to children and young people in the Seychelles. In today's society alcohol is available from a variety of sources, and the use of alcohol is widely considered to be a social necessity. Consumption is rising and so are the social costs of alcohol misuse. Alcohol is a major contributor to health problems, family breakdown, and law and order problems in Seychelles. Young people may be particularly susceptible to the detrimental effects of consuming alcohol and to long-term health risks.

497. The recommendations made by the Task Force on Drug and Alcohol Abuse encompass a wide range of strategies ranging from stricter enforcement of the laws relating to the sale of alcohol to minors, to prevention, treatment, rehabilitation and after-care. Special attention is recommended for children and young people.

498. There are different agencies involved in prevention. The Ministry of Education and Culture, mainly through the Student Welfare Unit, is targeting children and youths attending primary and secondary schools. The Unit is putting tremendous efforts into primary prevention, focusing on healthy lifestyles, resistance skills and information dissemination. The social education programme of this Ministry is also focusing on personal and social skills. The schools are involved in early detection and intervention and both the National Youth Service and the Polytechnic have their own programmes. The Ministry of Employment and Social Affairs, through Probation and Social Services, is targeting youths both within and outside the education institutions. The Ministry of Employment and Social Affairs works closely with the Ministry of Education and Culture and the Ministry of Health in such cases. The Ministry of Health is the only agency offering residential treatment to alcohol abusers.

499. The Committee for public sensitization, which was set up by Task Force, is now also involved in prevention. It is to be noted that the "No Drugs Association" (NDA) is also a member of the Committee. The NDA has its own plans for prevention. The Ministry of Local Government, Youth and Sports as well as other agencies are also actively engaged in prevention. Alcoholics Anonymous is the only self-help group in Seychelles. Attempts have been made to start Al-Anon and Al-Ateen groups, with little success.

(a) Alcohol abuse

500. A study carried out in 1991 by Pinn and Bret relating to cardiomyopathy in the Seychelles rates Seychelles as fourth in the world for annual alcohol consumption. The same study showed that 75 per cent of the male population were regular alcohol consumers with 19 per cent of these men consuming more than 100g of alcohol per day. The findings of the study confirmed the high frequency of alcohol-related diseases in general and cardiomyopathy in particular. According to the Ministry of Health, alcohol-related diseases account for the largest percentage of hospital admissions and underlies the three major causes of death in Seychelles.

501. No study has been done to assess the extent of alcohol abuse amongst children, but there is concern about the use of alcohol by children and young people. The Task Force on Drug and Alcohol Abuse is convinced that children are exposed to alcohol consumption by their parents. Many children are also indirectly affected by adults, in particular parents who drink excessively. Children of problem drinkers may develop social, educational, emotional and relationship problems. Children and young people experiencing problems because of a parent's or guardian's use of alcohol or because of their own use need help and support. While services tend to focus on adult problem drinkers, there is a need for services to which children affected by alcohol could refer themselves or be referred.

(b) Drug abuse

502. Significant progress has been made in raising public awareness about the problem of drug and substance abuse and Government, in partnership with non-governmental organizations, has mounted an integrated approach aiming primarily at prevention. Within the Government the Ministries for Education, Health and voluntary Agencies are all involved in tackling drug abuse

amongst young people, but there is little evidence of a coordinated strategy between them. The present prevention activities require strengthening and coordination between the different agencies, and well-structured prevention programmes and facilities are as yet still lacking.

503. The police are the main law enforcement agency. Other agencies, such as Customs, which has the key part to play at points of entry, have important roles to perform. Efforts are being made by the police to reduce the drug supply by the destruction of cultivation, but the general view is that this approach needs to be intensified. For example, more effort should be made to detect the cultivators and traffickers. Detention and seizure of drugs at points of entry into Seychelles also need to be intensified and the mechanism for such action needs to be strengthened by both Customs and the police.

504. A number of different agencies are involved in treatment rehabilitation activities. Foremost amongst these are the Ministry of Health, the Ministry of Employment and Social Affairs, the Ministry of Education and Culture and the Ministry of Local Government, Youth and Sports. The No Drug Association is also engaged in this area. Drug abusers and addicts seeking treatment are treated in the psychiatric ward of the Victoria Hospital and sometimes at the Les Cannelles psychiatric hospital. The hospital is solely lacking in facilities to treat such cases and the Les Cannelles hospital is not considered an appropriate environment.

505. Considerable resources are being devoted to drug prevention and support programmes in the Seychelles now. These programmes should adopt a "non-medical" approach with flexibility and innovation if they are to be effective. It is reported that in schools there is a new wave of drug use amongst young people. There appear to be fears in some schools that highlighting drugs in the health education curriculum could conflict with attempts to create a "drug free" image. Schools need coordinated drugs policies worked out with the students, the staff, local drug education and support agencies and the local police.

506. Increases in the numbers of young people using drugs and in the variety of drugs they are using suggests that the drug services of the future must be flexible and those involved should have knowledge about a wider range of drug-related problems. Boredom, low self-esteem and lack of positive routine have all been suggested to contribute to drug taking. The way forward in protecting children and young people from the illicit use of solvents, drugs and psychotropic substances is to adopt a long-term strategy of both prevention and harm reduction. Services need to be flexible, responsive and sensitive to the young person's needs. Treatment must involve offering drug users opportunities to overcome their fears, to gain in confidence, to learn trust and to recognize their full potential. Self-help groups, organized and run by users, can help this process.

3. Sexual exploitation and sexual abuse (art. 34)

507. Apart from the various common law crimes aimed at protection of both adults and children from sexual assault, there is no statute aimed specifically at sexual exploitation. The Children's Act (sect. 70 (1) (b)) makes it illegal to expose a child in a manner likely to cause unnecessary moral damage. Very few arrests are made with regard to prostitution-related offences and information on the age of the persons involved in these arrests is not readily available. Cases have been reported to the police about particular individuals "harbouring"

children for purposes of sexual exploitation. There is a general public concern as to the shortcomings of the police in handling these cases and efforts made to redress the situation. See also section VI. H.

4. Sale, trafficking and abduction (art. 35)

508. There have been no cases of sale or abduction of children in Seychelles. Reports of trafficking or harbouring of children with a view to using them for sexual exploitation, though very few, is an area of concern. There are no known cases of illegal abduction of children in Seychelles. The laws relating to abduction and kidnapping are covered under section VI.

5. Other forms of exploitation (art. 36)

509. In addition to the forms of exploitation discussed above, the Children's Act makes it illegal to cause or procure a child or to allow a child in your custody to beg, or to win sympathy for a person who is begging (sec. 71). The Act also makes it illegal for children to be used in witchcraft or used to take part in or in connection with any felony, misdemeanour or other act which is an offence under any written law (sects. 74, 75). The Constitution also guarantees the right of the child in this respect.

C. Children of minority or indigenous populations (art. 30)

510. There are no indigenous populations in Seychelles. The richness of the population is reflected in the mixture of the many ethnic groups, which over the years have inter-married and are now living in harmony. The Constitution protects the right of every person to practise and promote any culture, language, tradition or religion which does not interfere with the constitutional rights of others or the national interest.

D. Concluding remarks and recommendations

Children in conflict with the law

511. Compliance with article 2 requires that:

(a) The Government consider the provision of a secure unit for girls (aged 12-14);

(b) Research on the treatment of young offenders with particular reference to gender be carried out;

(c) The Government ensure consistency of safeguards against all ill-treatment or unnecessary restriction of liberty in all institutions which lawfully restrict children's liberty.

512. Compliance with article 3.1 requires that:

(a) The principle of the child's best interests being a primary consideration be extended to all legislation dealing with young offenders;

(b) Guidance be developed and provided for magistrates and judges designed to emphasize the importance of, and promote good practice in the best interests of the child in criminal proceedings.

513. Compliance with article 3.3 requires:

(a) The development of minimum standards for all forms of secure institutions, youth treatment centres and, when introduced, the juvenile detention centre;

(b) That a social services inspectorate be given full responsibility to monitor standards;

(c) That training standards and incentives be developed to retain competent staff.

514. Compliance with article 19 requires that:

(a) Codes of practice and guidance be issued to all staff working with young offenders and delinquents on positive methods of encouraging acceptable behaviour;

(b) Young offender institutions be required to have a policy on protecting young people from bullying. These policies should include strategies for its prevention, support for those who are bullied, appropriate responses to those who bully and arrangements for responding to those forms of bullying that appear to involve criminal offences.

515. Compliance with article 37 (a) requires that: the Government urgently review current facilities and regimes in YRTC. In particular, the review should seek to end the practice of locking inmates in dormitories or cells for long periods without meaningful activity, and should protect vulnerable inmates from bullying and intimidation by other inmates.

516. Compliance with article 37 (b) requires that:

(a) The principle that persons under 18 should only be imprisoned or detained as a measure of last resort and for the shortest appropriate period of time be included in criminal justice legislation;

(b) The Government specifically prohibit the restriction of children's liberty in all institutions;

(c) The definition of restriction of liberty under section 1 of the Children's Act be amended to include restriction of liberty by means other than through placement in accommodation provided for that purpose;

(d) The Government establish an independent working party to develop a national policy and standards to apply to the many forms of detention for minors.

517. Compliance with article 37 (c) and article 9.4 requires that:

(a) All institutions be prohibited from using as a measure of control, restrictions on visits and communication by the family of a child whose liberty is restricted;

(b) The location of any new secure accommodation for young offenders take into consideration accessibility issues.

518. Compliance with article 40.2 (b) (iii) requires that the Government encourage inter-agency reviews of delays and draw up action plans in response.

519. Compliance with article 40.3 (a) requires that:

(a) Where children are suspected of involvement in offending behaviour, an inter-agency response should retain the option of taking no further action, issuing a warning, and offering assistance and advice (counselling or therapy);

(b) Community-based facilities be extended through increasing funding;

(c) Broader, long-term measures to strengthen the capacity of home, school and community to support vulnerable young people be developed.

520. Compliance with article 40.4 requires that:

(a) Social Services and Probation Services set out basic minimum arrangements for inter-agency cooperation in the provision of services to young offenders;

(b) Government consider establishing an independent working party to look into the current position of young people (aged 12 to 18), and the role of the youth service and other agencies. It should develop a coordinated strategy for this age group, which would include a review of current educational provision, training and employment provision, welfare benefit entitlements and the availability of leisure facilities.

Children in situations of exploitation

521. Compliance with article 3.2 requires that:

(a) Schools be encouraged to provide alcohol education programmes which emphasize informed decision-making and life skills and enable young people to make positive and healthy choices about their behaviour;

(b) Children and young people be involved in the design of alcohol education programmes aimed at their peers;

(c) Laws relating to the sale of alcohol to young people be more strictly enforced;

(d) Services be provided for children and young people seeking help or information with regard to their own use of alcohol or because of problems experienced as a result of the drinking problems of a close person.

522. Compliance with article 32.1 requires the construction of a strategy which should involve the relevant government departments - Ministry for Education, Ministry of Employment and Social Affairs and the Ministry of Health - together with the Health and Safety Inspectorate, relevant unions and interested organizations such as the National Council for Children to identify:

(a) Whether accidents in different types of employment are occurring and, if so, their rates and their severity;

(b) What additional information needs to be collected;

(c) Whether current legislation for protecting children and young people at work throughout the Seychelles is sufficient to comply with article 32;

(d) The level of resources necessary to ensure that any legislation is properly enforced.

523. Compliance with article 33 requires that:

(a) In order for children and young people to have confidence in drug services, the rules of confidentiality be clear from the outset and the circumstances under which confidentiality may be broken, if there are any, explained; young people should be able to use the services knowing that they are safe from unwarranted intervention into their lives;

(b) There be more broad-based community programmes aimed at tackling the root causes of solvent abuse;

(c) Schools provide more education relating to solvent and drug abuse and should be encouraged to provide informal, confidential advice and drop-in centres, staffed by skilled workers from outside the school.

524. Compliance with article 34 requires that:

(a) The present law on sexual exploitation be strengthened to protect young people;

(b) The present law on pornography and pornographic materials be enforced more effectively.

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Children (Amendment) Act, 1991

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Penal Code (amendment) Act. 1996

The United Nations Convention on the Rights of the Child, 1990

Statistical Abstract 1996, 1997 edition, MISD, Seychelles

Table 1

Estimated population of Seychelles, disaggregated by age and gender, mid-1996

Age	Male	Female	Total
0-4	3 938	3 650	7 588 (9.9%)
5-9	3 732	3 735	7 467 (9.7%)
10-14	3 717	3 625	7 342 (9.6%)
15-19	3 715	3 643	7 358 (9.6%)
20-24	3 425	3 272	6 697 (8.7%)
25-29	3 328	3 493	6 821 (8.9%)
30-60	-	-	25 378 (33.2%)
> 60	-	-	7 766 (10.1%)
Total population	37 923 (49.6%)	38 494 (50.4%)	76 417 (100%)

Source: Statistical Abstract 1996. 1997 edition, MISD, Seychelles.

Table 2

Population projections

Midyear	1992	1997	2002	2007	2012
Total population	70 763	76 927	81 496	86 751	91 419
Number aged 0-14	22 642	23 827	24 515	24 389	23 509
% of total	32%	31%	30%	28%	26%
Females 15-49	17 898	20 142	21 772	23 826	25 380
Number aged 15-64	43 093	48 044	51 665	56 732	61 884
Dependency ratio	642	603	583	539	492
Child-woman ratio	463	427	389	342	310
Median age (years)	24.1	25.4	26.5	27.7	29.0

Source: Statistical Abstract 1996. 1997 edition, MISD, Seychelles.

Table 3

Population size and key health indicators, 1990-1995

Year	Midyear population	Birth rate per 1,000	Death rate per 1,000	Infant mortality rate per 1,000
1990	69 507	23.1	7.7	13.0
1991	70 438	24.2	7.7	12.9
1992	70 763	22.6	7.4	11.9
1993	72 253	23.4	8.3	13.0
1994	73 850	23.0	7.6	8.8
1995	75 304	21.0	7.0	18.3

Source: Statistical Abstract 1996. 1997 edition, MISD, Seychelles.

Table 4

Immunization coverage in 1995

Disease	Vaccine	Coverage (%)
Tuberculosis	BCG	100
Diphtheria/pertussis/tetanus	DPT	93.2
Polio	-	93.2
Yellow fever	-	95
Mumps/measles/rubella	MMR	98
Hepatitis B	-	96.9

Source: Statistics Section, Ministry of Health.

Table 5

Requests for termination of pregnancy, 1990-1995

Year	Approved	Not approved	Other*	Totai
1990	138	158	7	303
	45.5%	52.1%	2.3%	100.0%
1991	136	103	8	247
	55.1%	41.7%	3.2%	100.0%
1992	196	117	5	318
	61.6%	36.8%	1.6%	100.0%
1993	142	94	7	243
	58.4%	38.7%	2.9%	100.0%
1994	98	52	5	155
	63.2%	33.5%	3.2%	100.0%
1995	86	46	4	136
	63.2%	33.8%	2.9%	100.0%

Source: Statistics Section, Ministry of Health.

* Includes applications withdrawn and where TOP were not required.

Table 6

Termination of pregnancy applications by 10- to 19-year-olds, 1990-1995

Year	Number of applications	Number approved	% approved
1990	85	40	47%
1991	65	33	51%
1992	96	65	68%
1993	85	57	67%
1994	52	38	73%
1995	35	28	80%

Table 7

Benefit payments, 1991-1995

	1991 SR '000	1992 SR '000	1993 SR '000	1994 SR '000	1995 SR '000
Retirement pension	57 397	62 111	78 307		
Invalidity benefit	8 721	9 007	10 695	10 031	13 533
Supplementary benefit	5 071	13 068	20 205	9 981	31 738
Sickness benefit	1 889	4 208	5 009		
Maternity benefit	589	955	1 435		
Survivor's benefit	411	643	354		
Orphan's benefit	1 006	1 055	973		
Total	75 084	95 147	116 978		

Source: Social Security Fund.

Table 8

Number of children attending selected educational establishments managed by the Ministry of Education, 1993-1997

	1993	1994	1995	1996	1997
Crèche	3 081	3 100	3 201	3 164	3 242
Primary school (P1 to P6)	9 770	9 767	9 691	9 588	9 825
Secondary schools (S1 to S4)	6 202	6 315	6 162	6 192	6 548
National Youth Service	1 135	1 181	1 158	1 234	1 189
Polytechnic	1 682	1 702	1 429	1 437	1 338
Total	21 870	22 065	21 641	21 615	22 142

Source: Statistical Abstract 1996. 1997 edition, MISD, Seychelles.

Table 9

Number of schools, teachers and students managed by the Ministry of Education in 1996

Type of school	Number of schools	Number of teachers*	Number of students
Crèche	33	172	3 110
Primary	23	587	9 404
Special education	1	24	78
Secondary	14	418	6 329
National Youth Service	2	122	1 189
Polytechnic	10	134	1 338
Total	83	1 457	21 448

Source: Statistical Abstract 1996. 1997 edition, MISD, Seychelles.

* Excluding helpers and auxiliaries.

Table 10

Seychelles government expenditure, 1991-1995 (SR 000,000)

Ministry/Department	1991	1992	1993	1994	1995
Tourism and Transport	51.8	66.6	78.8	80.5	68.7
Education and Culture	128.6	140.1	147.8	167.9	135.9
Employment and Social Affairs	14.6	16.5	20.3	20.9	20.5
Health	76.6	96.2	98.4	106.9	102.2
President's Office	4.4	11.8	12.1	26.5	13.2
Administration and Manpower	9.7	27.8	27.5	5.3	23.1
Legal Affairs	2.4	2.8	3.2	5.9	3.5
Judiciary	5.4	5.9	5.9	1.7	5.5
Audit	0.7	1.0	1.4	22.9	1.6
Foreign Affairs, Planning and Environment	15.9	21.1	21.8	60.1	20.0
Defence	87.6	105.4	67.1	35.2	55.2
Industry	2.6	3.9	3.9	20.4	4.9
Finance and Communication	19.1	26.7	26.4	7.7	23.2
Local Government, Youth and Sport	32.1	38.5	51.4	2.1	32.2
Agriculture and Marine Resources	17.1	19.3	21.1	0.9	16.1
Community Development	7.4	8.7	9.0		6.3
Total expenditure by Ministries and Departments	476.1	592.2	636.2	644.9	571.4
Total budget outlays	1 107.3	1 247.8	1 429.6	1 319.9	1 255.1

Source: Statistical Abstract 1996. 1997 edition, MISD, Seychelles.

Table 11

Births by age of mother and birth order, 1996

Age group	Total births	Number of births in birth order			
		1	2	3	4 or more
Under 15	5	5	0	0	0
15-19	228	206	22	0	0
20-24	489	272	168	35	2
25-29	425	113	157	113	11
30-34	319	32	87	108	33
35-39	122	7	27	43	28
40-44	24	3	3	3	9
45+	0	0	0	0	0

Source: Statistical Abstract 1996. 1997 edition, MISD, Seychelles.